to make out returns and see that those returns are forwarded to the committee in charge of the fund so that it will receive its correct share of the takings.

MR. BRAND (Greenough—Treasurer) [9.29 p.m.]: I thank the member for Collie for his support of the Bill; and, regarding the point raised by the member for Beeloo, I think the first amendment, which clarifies the definition of "sport," is a step in the direction that he would like us to go. The amendment clarifies the meaning of "sport" and, in addition to what is already laid down, it means motorcars and so on. It also provides for the situation where, even though people are admitted free, there may be some collection at the end of the fixture.

I presume that in bringing this amendment forward the trust has it in mind to close as many gaps as possible in order to ensure that those who do run sporting fixtures not only on Sunday afternoons but also on all other Anzac Days contribute the percentage required by the Act. I can only give an assurance to the extent that once the Act has been clarified, those who are responsible for policing it will do it to the extent that it allows. I, realising that there have been few comments made on this amending Bill, and also little criticism of the legislation since its introduction, regard this as a clear indication that the Act has worked well and has been satisfactory to all concerned. Also, the Victorian legislation has been quite satisfactory since it was first introduced.

Not a great deal of money has been contributed to the trust, but it has meant quite a lot to those organisations and bodies which have, as their main aim, the welfare of returned soldier organisations and the youth organisations, such as Legacy. I think some £20,000 will be distributed this year. As yet, the various allocations have not been received. A decision has not been made, but in due course it will be publicised.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [9.34 p.m.]: This Bill contains two amendments to the principal Act, both of which will improve its working. The first amendment seeks to make a change in the personnel of the council, whereby the appointment of the chairman is slightly altered. The Commissioner of Public Health will still be the chairman, who can appoint a deputy as chairman; but, if this amendment is passed, instead of the deputy chairman being the Deputy Commissioner of Public Health, it will be a medical practitioner appointed by the Commissioner of Public Health. I think this is a good move because such a medical practitioner will be a permanent employee of the department and will be able to devote far more time to the job than will the commissioner or his deputy. I have no hesitation, therefore, in supporting this part of the Bill.

The second portion of the measure deals with X-ray machines and other such machines which give off radiation, particularly those used by dentists and doctors. These machines were not covered by the original legislation; and last year, or the year before, they were covered by the Act so that they would be registered in the same way as other similar machines. However, there was no compulsion upon anyone to have them registered, and there was no provision for a penalty for failure to register.

That is all this measure seeks to do: to include X-ray and other machines used by dentists and doctors. Under the Bill it will be compulsory for them to register such machines, and if they fail to do so they will be subject to penalty. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 9.39 p.m.

Legislative Assembly

Wednesday, the 2nd September, 1964

CONTENTS

CONTENTS—*continued*

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

TIMBER MILLS

Employment of Women

1. Mr. MITCHELL asked the Minister for Forests:

   (1) Is he aware that according to radio reports, women are being employed on timber work at mills in the Manjimup area for the first time in this State?

   (2) Is he also aware that the reason given for employing women was that it was impossible to find sufficient men for the industry?

   (3) Can he explain this in view of the repeated statements about unemployment in the timber industry at Pemberton?

   Mr. BOVELL replied:

   (1) Yes.

   (2) Yes. However, there is a similar trend in Australia and throughout the world to employ women in light tasks and the present action has the sanction of the Timber Workers' Union.

   (3) No. Timber companies with vacancies for labour are willing to employ suitable men.

WYNDHAM MEAT WORKS

Reduction of Charges

2. Mr. TONKIN asked the Minister for the North-West:

   (1) As Air Beef Pty. Ltd. claimed in respect of its account for £6,211 10s. 11d. with the Wyndham Meat Works for handling Air Beef products during the 1955-58 seasons that the charges were excessive and acquiescing in this claim he authorised that the amount be reduced to £2,500 at

31st January, 1961, will he explain the particulars of the overcharging and how it transpired that an overcharge of £3,711 10s. 11d. occurred on work of the value of £2,500?

(2) What steps did he take to ensure that such faulty calculation as apparently occurred on someone's part does not occur again?

(3) Did similar overcharging occur with any other client during the 1955-58 seasons?

(4) If "Yes" what are the particulars?

(5) If "No" is it not most remarkable that such an egregious blunder was made with regard to Air Beef?

Mr. COURT replied:

(1) The write-off of £3,711 10s. 11d. by Wyndham Meat Works was agreed to in order to settle a long-standing difference of opinion between the managements of the two concerns regarding the method of calculating handling charges. Air Beef Pty. Ltd. did not dispute the charges raised from 1949 to 1954 as it then received a State Government subsidy which was discontinued by the Hawke Government in 1954. After the discontinuance of the Government subsidy Air Beef Pty. Ltd. commenced to query the amounts charged. The total amount charged from 1955 to 1958 was £96,739, of which £3,711 10s. 11d. was written off, or slightly less than four per cent. The amount of £6,211 10s. 11d. was the 1958 unpaid balance of the total charges.

(2) There was no faulty calculation, merely a difference of opinion as to the reasonableness of charges.

(3) No.

(4) Answered by No. (3).

(5) Answered by Nos. (1) and (2).

E. S. CLEMENTSON: PROPOSALS FOR ASSISTANCE

Difference between Rejected and Accepted Submissions

3. Mr. TONKIN asked the Premier:

(1) In what respects did the proposal from E. S. Clementson which was considered by a committee representative of the Treasury and others and reported upon unfavourably differ from the one which was ultimately assisted by the Rural & Industries Bank?

Inquiry Committee's Terms of Reference

(2) Will he state the terms of reference upon which the committee worked?

Mr. BRAND replied:

(1) The proposal was varied during the course of negotiations and finally was submitted in a form which was recommended for approval by the committee.

In reporting, the committee listed the following advantages from the Government's point of view—

(a) There would be no call on Government funds for alterations to the works to comply with Department of Primary Industry requirements for the American market or for future expansion.

(b) The works as envisaged would be an asset to the West Kimberley and would be capable of handling the offturn for many years.

(c) The Government would not be involved in negotiations on cattle prices between pastoralists and the company.

(d) With the programme of reductions the Government would be free of liability in 1971.

(e) The project is bound to attract the interest of other large concerns in the possibility of establishment in the north-west.

(2) To examine and report on the proposal.

BROOME FREEZING AND CHILLING WORKS

Conditions of Sale

4. Mr. TONKIN asked the Minister for the North-West:

(1) Does he recall having said on Thursday, the 5th December, 1963, with reference to the purchase of the Broome Freezing and Chilling Works, "Before anything is agreed to the Government would have to be paid, or be secured"?

(2) Will he explain why instead of receiving payment the Government agreed to the debt against the works being substantially increased?

Mr. COURT replied:

(1) Yes; and this basis was adhered to.

(2) The debt against the works was not increased consequent upon the transfer of the shareholding from the previous interests to Norwest Development Corporation Ltd. Furthermore, a repayment programme to be completed by the 1st January, 1971, was instituted.

E. S. CLEMENTSON: PROPOSALS FOR ASSISTANCE

Inquiry Committee: R. & I. Bank Representation

5. Mr. TONKIN asked the Minister for Lands:

Was the Rural and Industries Bank represented on the committee which gave consideration to the proposals of E. S. Clementson more than six months ago and reported against their acceptance?

Mr. BOVELL replied:

The bank was represented on a committee which examined proposals as varied during negotiations and finally submitted in a form recommended by the said committee for approval.

BROOME FREEZING AND CHILLING WORKS

Bill of Sale

6. Mr. TONKIN asked the Minister for Lands:

As according to published statements the Broome Freezing and Chilling Works were sold for £360,000 of which amount the owners were to receive £146,000 and the Rural and Industries Bank agreed to advance £200,000, why in order to secure moneys owing by the mortgagor to the mortgagee was a bill of sale stamped to secure £254,000?

Mr. BOVELL replied:

The bill of sale was registered collateral to security documents already held and stamped to this figure.

E. S. CLEMENTSON

Statement concerning Return on Capital

7. Mr. TONKIN asked the Minister for the North-West:

(1) Is he aware that it has been reported that E. S. Clementson informed shareholders of related companies under his control that he expected Nor-west Development to earn 27½ per cent. on capital after making the requisite tax provision?

(2) As it appears from the financial transactions which have already taken place that the meat works which have been acquired are over capitalised, is not this statement of Mr. Clementson full of foreboding for the West Kimberley cattle growers?

Mr. COURT replied:

(1) Only through Press reports.

(2) Not necessarily. The meatworks has been brought to the state where it is a very modern and highly efficient unit which should react greatly to the benefit of the district and cattle growers. Also it should be appreciated that Norwest Development Corporation Ltd. has interests other than the Broome works and these are no doubt expected to contribute to the overall return on capital. As to whether the estimated return on equity capital is realistic or reasonable is something on which one could not express an opinion unless all facts and circumstances were known.

MOTOR VEHICLE LICENSE STICKERS

Poor Quality of Current Issue

8. Mr. EVANS asked the Minister for Police:

(1) Is he aware that at its last meeting on the 28th August, 1964, the Kalgoorlie Shire Council resolved to lodge a strong protest to the Commissioner of Police in respect of the poor quality motor vehicle registration certificates in current issue?

(2) Is he further aware that notwithstanding strict adherence to "Instruction 8" on the back of the sticker, the new blue faced sticker issued to country licensing authorities in February of this year is proving as unsatisfactory as the previous type of sticker certificate?

(3) What is the reason why a departure was made from continued use of the type of transfer certificate issued until recent years which proved eminently satisfactory?

(4) What further steps will be taken to rectify the matter of certificate stickers?

Mr. CRAIG replied:

(1) No.

(2) No.

(3) The previous type of sticker was printed partly in positive and partly in negative. It was considered that certificates would be more satisfactory if they were printed fully in positive so they could be read from outside the car.

(4) None at present. The 1965 certificate is identical with the Victorian certificate even to the instructions printed on the back.

The view is held that motorists are not following the instructions properly or are trying to affix the certificate by approaching the inside of the windscreen with a backing sheet towards the glass.

The adhesive quality is contained in the varnish on the face and not in the gum between the certificate and the backing sheet.

PROVISIONAL DRIVERS' LICENSES

Number Issued and Penalties Imposed

9. Mr. CROMMELIN asked the Minister for Police:

(1) Since the proclamation of the Act, how many provisional drivers' licenses have been issued to date to—

(a) adults;

(b) those under 21 years of age?

(2) As a result of traffic offences, how many—

(a) adults;

(b) those at each of the ages—

17 years;
18 years;
19 years;
20 years;

have had their licenses cancelled for the statutory three months?

(3) How many had severer penalties imposed on them?

Mr. CRAIG replied:

(1) Statistics are not maintained of drivers under 21 years of age who are issued with ordinary driving licenses, but the great majority of licenses issued to persons in this age group are probationary licenses.

Drivers' licenses issued for the period the 1st March, 1964, to the 31st July, 1964, were—

Probationary	8,142
Ordinary	1,816
Total	9,958

The age groups are—

Under 21 years	4,808
21 and over	5,150
Total	9,958

(2) (a) 13.

(b) 17 years	17
18 years	10
19 years	3
20 years	1

(3) 17 years	2
18 years	1
19 years	1
30 years	1

HOUSING COMMISSION HOMES

Number Proposed at Wilson West

10. Mr. JAMIESON asked the Minister representing the Minister for Housing:

(1) How many homes are to be erected on the State Housing Commission extension of Wilson west of Teague Street?

(2) Will these be completed this financial year?

Number Anticipated at Bentley

(3) How many homes is it anticipated will be erected on the "sand pit" site at Bentley and when is it likely that the building of same will commence?

Mr. ROSS HUTCHINSON replied:

(1) 50.

(2) Yes.

(3) The building of approximately 150 homes in this area depends on the commission and private owners agreeing on land exchanges prior to finalisation of subdivisional plan and soil stability tests. It is anticipated these will be completed in this financial year.

BENTLEY PRIMARY SCHOOL

Provision of Staff Amenities

11. Mr. JAMIESON asked the Minister for Education:

(1) Is he aware that a recent request for a hand basin, mirror, and a small bench for an electric stovette, together with flywire door and window screens for the staff room at the Bentley primary school, was refused by the department?

(2) What is the departmental policy regarding such amenities?

(3) Does he consider that the provision of such staff amenities is a rightful duty for the parents and citizens' associations?

(4) Is he aware that the various parents and citizens' associations are being called on to supply more and more staff amenities due to the refusal of the Education Department to accept responsibility of same?

(5) Does he not agree that the principal function of a parents and citizens' association is to raise funds for additional amenities and equipment for the use of students rather than to have to channel funds to staff amenities?

Mr. LEWIS replied:

(1) Yes.

(2) Policy provides—

(a) stainless steel sink (single bowl) with cupboard underneath in staff rooms;

(b) fly screening to the whole school, when funds are available, if there is a prevalence of flies;

(c) hand basins and mirrors in staff toilet areas.

(3) No.

(4) No.

(5) Yes.

FREMANTLE TECHNICAL SCHOOL

Commencement and Completion

12. Mr. FLETCHER asked the Minister for Education:

Can he advise—

(a) the likely commencement of building date of the proposed new Fremantle Technical School;

(b) the completion date;

Subjects to be Taught

(c) the trades, avocations and subjects in which tuition will be given?

Mr. LEWIS replied:

(a) Plans will be prepared during the current financial year and preparation of the site undertaken. It is not expected that the construction of the building will commence before the next financial year.

(b) Not yet known.

(c) Diploma and certificate studies in—

Accountancy and Commercial Studies;
Public Administration;
Local Government;
Applied Art;
Home Management;
Engineering;
Woolclassing;
Management;
Applied Science.

Studies in the following trades:—

Engineering;
Building;
Electrical;
Boat Building;
Automotive;
Hairdressing;
Boilermaking;
Welding.

SOUTH COAST ROAD, ALBANY

Water Service to Adjacent Areas

13. Mr. HALL asked the Minister for Works:

(1) Has a final decision been arrived at in respect of water service to residents adjacent to the south coast road, Albany?

(2) If so, what are the findings?

Mr. WILD replied:

(1) No.

(2) This work has not been included in the works programme as submitted but could well be reviewed in December next as it is economically justifiable.

MEDIUM OF EXCHANGE

Provision during War

14. Mr. HALL asked the Premier:

(1) In the event of attack by conventional or nuclear methods, and where chaotic conditions could reign, what provisions have been made either by the Commonwealth Government or the State Government for the issuing of money or medium of exchange for goods and services?

(2) If the matter has not been raised, would he undertake to raise it with the Commonwealth and State Treasury with a view to having some form of exchange transaction available in a state of war and emergency?

Mr. BRAND replied:

(1) The provision of a medium of exchange during conditions of national emergency was recently studied at a special civil defence course held in Perth for senior executives of banking institutions. No firm conclusions have yet been reached, but information is being sought from Commonwealth and other sources. In the meantime, investigations are continuing at State level.

(2) Answered by No. (1).

TUNA FISHING

Research by C.S.I.R.O.

15. Mr. HALL asked the Minister for Fisheries:

(1) Can he advise the outcome of recent surveys made and conducted by the C.S.I.R.O. on the *Estelle Star* with respect to tagging of tuna and surveying their habits?

Negotiations for Development

(2) Recently Japanese fishing businessmen showed a keen interest to invest and participate in tuna fishing in this State; can he advise the outcome of the negotiations and in which parts of the State did they wish to invest and conduct the business of tuna fishing?

Mr. ROSS HUTCHINSON replied:

(1) The *Estelle Star* survey data is still being examined and analysed, according to latest reports from the C.S.I.R.O. The survey will be

carried on again next year as part of the continuing programme. Consequently no final report can yet be made available.

(2) Talks took place with certain tuna-fishing interests while I was in Japan earlier this year. These involved the consideration of joint ventures with Western Australian firms for the establishment of a long-line tuna fishery off our coast. Negotiations are continuing.

16. *This question was postponed.*

APPRENTICES

Intake and Completion of Indenture

17. Mr. H. MAY asked the Minister for Labour:

(1) What was the intake of apprentices for each of the following years:—

1959;
1960;
1961;
1962;
1963?

(2) How many apprentices completed their indenture for the same years?

Transfers to Other Employment

(3) How many of these apprentices who completed their indentures left their trades and accepted employment of a more lucrative nature?

Mr. WILD replied:

(1) 1959—1,094;
1960—1,345;
1961—1,529;
1962—1,568;
1963—1,863.

(2) 1959—1,230;
1960—1,326;
1961—1,118;
1962—1,022;
1963—1,065.

(3) No figures are available.

18. *This question was postponed.*

"STRATA" LEGISLATION

Possible Introduction and Cause of Delay

19. Mr. DAVIES asked the Minister representing the Minister for Housing:

(1) Has it yet been possible to introduce "strata" legislation in this State?

(2) If not, what is the cause of the delay?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The question of introducing "strata" legislation is currently under consideration.

RAILWAYS ADMINISTRATION BUILDINGS

Site

20. Mr. D. G. MAY asked the Minister for Railways:

(1) Has a final decision been reached on the site for the proposed administration buildings for the W.A. Government Railways?

(2) If so, will he make available the relevant details or, alternatively, advise when a decision is anticipated?

Mr. COURT replied:

(1) Site investigations are being carried out and a final determination should be made shortly.

(2) Answered by No. (1).

21. *This question was postponed.*

PURCHASE AND RENTAL HOMES

Number to be Built in Karrinyup Area

22. Mr. GRAHAM asked the Minister representing the Minister for Housing:

What is the estimated number of houses that will be built during the current financial year in the Karrinyup locality for—

(a) purchase;

(b) renting?

Mr. ROSS HUTCHINSON replied:

Since the 1st July, 1964, under the State Housing Act, six houses have been completed, and there are 53 under construction. Negotiations are proceeding to acquire further land for the purpose of building rental and purchase homes in proportion 60 to 40.

MINES DEPARTMENT

Use of Mechanical Drills for Prospecting

23. Mr. KELLY asked the Minister representing the Minister for Mines:

(1) What year did the Mines Department first purchase mechanical drills for use in prospecting for gold and other minerals?

(2) How many drills were in operation at the end of the first three years of the scheme?

(3) How many drills now come under this section?

(4) What footage per drill has been achieved in each of the years since inception of the scheme?

(5) What has been the annual expenditure?

(6) What fields were examined?

Mr. BOVELL replied:

(1) 1950. One B.B.S.4 diamond drill was purchased for drilling the Collie coal basin. It was later used on gold exploration at Day Dawn.

(2) At the end of 1953, the Mines Department owned two diamond drills and one rotary drill. Two were in use at Collie, and one at Koolyanobbing iron deposit.

(3) Eleven, comprising six diamond drills, two rotary drills, two percussion drills and one auger drill.

(4) Total footage drilled per calendar year by departmentally owned drills was: 1950, 3,812 feet; 1951, 4,031 feet; 1952, 8,243 feet; 1953, 18,802 feet; 1954, 21,515 feet; 1955, 23,999 feet; 1956, 38,630 feet; 1957, 19,968 feet; 1958, 12,871 feet; 1959, 25,812 feet; 1960, 7,908 feet; 1961, 8,748 feet; 1962, 8,839 feet; 1963, 8,434 feet; 1964 (6 months), 5,018 feet. In addition, since 1960 contract drilling has been carried out by private contractors using their own equipment. It would take considerable time to give individual footage per drill and present difficulty as, in certain cases, the department's diamond drills are utilised under hire arrangements by prospectors and others whose footage is not recorded at head office.

(5) Total expenditure per financial year for both departmental and contract drilling and including capital outlay is as follows:—

1949-50	£9,652
1950-51	£13,463
1951-52	£29,934
1952-53	£93,025
1953-54	£82,768
1954-55	£64,970
1955-56	£100,525
1956-57	£95,019
1957-58	£71,607
1958-59	£84,967
1959-60	£109,318
1960-61	£70,121
1961-62	£54,293
1962-63	£79,521
1963-64	£99,489

(6) During the past 14 years, the Mines Department has carried out exploratory drilling in the following fields: Kimberley, Pilbara, Murchison, East Murchison, Yalgoo, North Coolgardie, Coolgardie, Yilgarn, Collie, South-West. Of recent years, drills have undertaken a variety of work including damsite investigations, foundation testing, water and mineral exploration.

QUESTIONS WITHOUT NOTICE

SEWERAGE

Wembley and Floreat Park

1. Dr. HENN asked the Minister for Water Supplies:

Following the deputation from the Floreat Park Civic Association, which he received several weeks ago, relating to the installation of sewerage in certain parts of Wembley and Floreat Park areas, and in view of evidence produced concerning the unsatisfactory state of many septic systems in that part of the Wembley electorate, is the Minister in a position to give any information as to when this area can be connected to the sewerage system which already serves the rest of the electorate?

Mr. Tonkin: That is a matter for the board to decide.

Mr. WILD replied:

I wish to thank the honourable member for phoning this question through to me this morning. I have ascertained from the board that the answer to his question is as follows:—

As in other parts of the metropolitan area the sewerage in Wembley is being carried out in stages. This year an area of approximately 30 acres north and south of Peebles Road, between Kenmore Crescent and Moray Avenue, will be sewered. Further sewer reticulation will be carried out as funds become available, and the Glengariff Drive-Ulster Road area will be considered next financial year.

MOTOR VEHICLE LICENSE STICKERS

Complaint from Kalgoorlie Shire Council

2. Mr. EVANS: In question No. 8 on today's notice paper I asked the Minister for Police whether he was aware that at its last meeting the Kalgoorlie Shire Council resolved to lodge a complaint in respect of license stickers which had been issued. The Minister answered "No" to that question. However, did he not receive from me, when the question was submitted, a cutting from the *Kalgoorlie Miner* evidencing the fact that a meeting was held and this matter was raised and a resolution carried?

Mr. CRAIG: Yes; I have here now a cutting from the *Kalgoorlie Miner*. The replies were furnished by the

Commissioner of Police; and as far as he is concerned, and as far as I am concerned, there has been no official complaint other than what is contained in the extract from the *Kalgoorlie Miner* which was supplied by the honourable member.

NATIVES IN THE NORTH

Assistance by Patrol Officers

3. Mr. BRADY asked the Minister for Native Welfare:

(1) Is the Minister aware that in the Commonwealth Parliament yesterday the Minister for Territories said in debate, regarding 42 Western Australian natives taken to Papunya—

(a) "Malnutrition existed among the aboriginal children";

(b) "Water situation was desperate";

(c) "Malnutrition was a serious matter"?

(2) Why was it necessary for a Commonwealth patrol to find the above state of affairs after three years' drought?

(3) Does the W.A. Native Welfare Department deny responsibility for the Commonwealth having to assist the natives?

Mr. LEWIS replied:

I thank the honourable member for brief notice of the question. I have not had time to check up on the information and therefore I will be answering his questions from memory. The position is as follows:—

(1) I have read the newspaper report of the speech made by the Minister for Territories.

(2) This was a routine patrol—a joint patrol by the Department of Native Welfare, Western Australia; the Northern Territory Administration; and the Weapons Research Establishment, who make joint patrols to this area. This patrol was not a special one, but was a routine patrol, which patrols are carried out at irregular intervals.

The purpose of the patrol was to have the natives medically examined, and inquire into their mode of life, their tribal functions, and their general welfare, and to classify the natives by name. The natives were also informed of the missions and settlements in their general area that they could go to if they so wished, and if they desired to go transport was available for them.

It is some considerable time since I read the report later presented by the Native Welfare Officer (Mr. Harman) on this matter, but from memory —and this is subject to correction—the natives were in good physical condition, bearing in mind, of course, that their mode of living in those parts is extremely hard judged by our standards.

Of the 71 natives contacted, 42 of them elected to go, quite voluntarily, to Papunya settlement. Only 29 decided to remain. I am advised that Mr. Harman asked each one individually if he wished to go. So the decision was quite voluntary on the part of each native.

(3) The Native Welfare Department of Western Australia certainly does deny any responsibility for the Commonwealth having to assist the natives in this instance. The natives were not obliged to go to Papunya, and they could have continued living where they were as did the 29 natives who remained.

BUILDING PROJECTS

Loss of Life

4. Mr. WILD (Minister for Works):

Yesterday afternoon, the member for Perth asked me the following question without notice:—

Is it a fact that on such large building projects as the new State Government building on the Observatory site for every £1,000,000 worth of building there is an anticipated loss of one life?

To this question I replied as follows:—

I am completely without knowledge of this, but I will ascertain whether it is so and inform the honourable member tomorrow.

I had this matter examined by the Department of Labour this morning and I have been informed that it is fallacious to make such a statement. All we are trying to do in Western Australia—and I hope everywhere else—is to minimise accidents to the degree that there are not going to be any at all.

AIR TRANSPORT: TRANS AUSTRALIA AIRLINES

Operation of Service in Western Australia

5. Mr. CRAIG (Minister for Transport): I wish to refer to question No. 12 appearing on the notice paper of the 19th August, 1964, and directed to me by the member for Pilbara. This question referred to an application by Trans Australia Airlines to operate in Western Australia. The papers dealing with this matter—which were tabled—disclose that an application was made to the Transport Board, and rejected in 1953.

The honourable member subsesequently asked whether there had been a later application than this made by T.A.A. and in reply I said that further inquiries would be made. I have now learned that a further request was made last year, but this was directed to the Department of Civil Aviation which rejected the application.

MEMBER FOR COCKBURN

Return to Chamber

MR. BRAND (Greenough—Premier): I am sure I speak for each member in this House when I say I am very pleased to see the member for Cockburn in his place in this Chamber once again. We know that he has real problems, but we trust he will be given courage and strength to overcome them.

MR. HAWKE (Northam—Leader of the Opposition): I would like, briefly, to support what the Premier has said about the member for Cockburn. We are indeed relieved and very happy to see him present in his seat this afternoon—the first time for a long period. He looks remarkably Well—

Mr. Craig: Too well!

Mr. HAWKE: —and we hope to hear his voice in debate before the session continues much longer. We congratulate him upon his recovery and the great amount of courage he displayed in contributing to his recovery, and we wish him all possible good health and happiness in the future.

LEAVE OF ABSENCE

On motions by Mr. H. May, leave of absence for four weeks granted to Mr. J. Hegney (Belmont) on the ground of ill-health; and for four weeks to Mr. Hall (Albany) on the ground of ill-health.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Sewell, and read a first time.

BILLS (7): THIRD READING

1. Vermin Act Amendment Bill.

   Bill read a third time, on motion by Mr. Lewis (Minister for Education), for Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

2. Fire Brigades Act Amendment Bill.

   Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

3. University of Western Australia Act Amendment Bill.

   Bill read a third time, on motion by Mr. Brand (Premier), and transmitted to the Council.

4. Agricultural Products Act Amendment Bill.

5. Alsatian Dog Act Amendment Bill.

   Bills read a third time, on motions by Mr. Lewis (Minister for Education), for Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

6. Anzac Day Act Amendment Bill.

   Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.

7. Radioactive Substances Act Amendment Bill.

   Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Health), and transmitted to the Council.

FORESTS ACT AMENDMENT BILL

Report

Report of Committee adopted.

LOCAL GOVERNMENT FINANCE

Approach to Commonwealth for Assistance: Motion

MR. FLETCHER (Fremantle) [5.1 p.m.]: I move—

That in the opinion of this House the Hon. Premier should, with a view to assisting local government finance, make a Federal approach at the earliest opportunity in an attempt to achieve the following:—

(1) That the Grants Commission under the Commonwealth Aid to Roads Act be increased by 50 per cent., with local roads receiving the same proportion as at present.

(2) That the Commonwealth create a Local Services and Amenities Fund to which shall be allocated 5 per cent. of all income taxation collected each year.

(3) That the Commonwealth be requested to increase the grants to the States so that the State Governments may ensure that their acknowledged obligations to local government be adequately met.

The purpose of my motion is to ensure that the Commonwealth Government is requested to make more funds available to the State Government in order that the State might be in a better position to allocate more finance to local government.

Mr. Brand: Don't you think we tried to get as much as we could at the last conference?

Mr. FLETCHER: I suggest the Premier try again, and that is the purpose of my motion. Basic to my proposition is the fact that local government is in direct need of financial assistance. For the purpose of my motion I am justified in showing that my request is not unreasonable in the light of reported Government assistance to local government in other parts of the world. I have here a report adopted at the 1963 annual meeting of the Australian Council of Local Government Associations on the subject of local government finance. It is entitled, "Commonwealth Grants to the States as they affect the State Governments' ability to assist Local Government." In support of my motion I would point out that it is in conformity with the requests made in this little publication.

Mr. Brand: That very subject was thrashed out at the last conference.

Mr. FLETCHER: Nevertheless I will quote from this report to demonstrate the disparity in the burden carried by the Australian ratepayer in comparison with his counterpart in the United States and Canada. On page 3 of the report we find the following:—

(a) Local Government is dependent on the rating system as its main source of funds (of the total revenue of Local Government's ordinary services, in Australia 61.6% is derived from rates; in U.S.A. 42.9% is derived from rates, and in Canada, 54.1% is derived from rates.

Admittedly this is an Australian average of which Western Australia is a part. I would like to quote further from page 4 of the publication as follows:—

(b) Government Grants to assist Local Government have not been realistic. (14% of Local Government income in Australia compared with 27% in U.S.A., and 31.2% in Canada);

(c) in particular, the rate payer, through Local Government, has been forced to bear too great a part of the cost of the nation's road system (40.3% in Australia, compared with 23.8% in U.S.A., and 25.5% in Canada);

(d) the end result has been that Local Government rating has increased exorbitantly since 1947 (406% increase in Local Government rates; 224% increase in Commonwealth Taxation; 445% increase in State Government's taxation—

I submit the present State Government since 1959 is responsible for the big increase in this State's percentage. I repeat—

445 per cent. increase in State Government's taxation—but this covers taxes from a number of sources, not just one source as in the case of Local Government).

With these startling facts and figures in mind, I am sure members will feel that State local authorities are justified in asking for greater financial assistance from State and Federal coffers. I continue to quote—

It is noted in item (b) that the States have accepted the responsibility of meeting the financial needs of Local Government to the extent of 14 per cent.

Further it will be recalled that at a meeting of the State Ministers responsible for Local Government in each State, in May, 1962, they resolved as follows:—

(a) it is and should remain the responsibility of State Governments to consider the needs of Local Government in their States and to ensure that the works and responsibilities of Local Government are considered with those of other authorities within each State according to their proper priority;

(b) the individual State Governments are already fully aware of the needs of Local Government and are doing as much as is practicable to assist Local Government from within the existing resources available to the States;

(c) the States would continue to press the Commonwealth Government to make adequate funds available to enable them to meet their commitments, including those of Local Government, and in particular, to return the whole of the proceeds of fuel taxation to the States for expenditure on roads.

If the Premier argues that there is a scarcity of money to assist local government, then I ask members opposite to support my motion with particular reference

to the request that 5 per cent. of Federal income tax revenue be allocated to local government finance.

As I have said, it is accepted that the States will be responsible to the extent of 14 per cent., and members will recall that at a meeting of State Ministers of Local Government from all Australian States in May, 1962, the resolution I read from pages 4 and 5 of the publication was carried.

With regard to revenue for roads, I am afraid that most of the fuel taxation, like other taxation, is being spent for less worth-while purposes—less worth while than the purpose of assisting local government in the State. So I ask members to support my motion. Time and again local authorities are told that the State is doing everything possible in conformity with existing financial resources. The Premier has frequently told local government authorities that, as have his Ministers. I submit that local government can only answer this by saying that on the basis of existing grants, and in the light of overseas figures which I have quoted, what is being done is simply not good enough.

On page 6 of the publication to which I have referred appears some further valuable information. It is—

> In this State local authorities are gradually undertaking more and more functions. For example, councils are found to be providing libraries; baby health centres; old peoples' centres; youth centres; home nursing services; welfare officers; and so on. Councils also grant relief for pensioners from the payment of rates.

Further, immunisation clinics have been established in Fremantle and other areas, and the local authorities have accepted the responsibility for these. To continue—

> That local government has entered these fields is merely in recognition of the people's need for them, and in acknowledgement that they are not being satisfied by central government.
>
> Nevertheless, local government's activity in these fields does not mean that the State Governments should forever after deny financial responsibility for them. On the contrary, it surely becomes more urgent that the States, in the name of justice in taxation, recognise that the ratepayer, through local government, is being used to finance a host of services which properly belong to the State and Commonwealth Governments, and should properly be financed from the wider field of national taxation.

I refer that to the House in order to suggest that my request—that 5 per cent. of all taxation should be used to assist local government—be acceded to. If the State Government claims that its revenue at the moment is fully committed, then local government must, perforce, accept that; but surely it is the duty of the State to seek ways to improve its revenue in the manner I have suggested!

As I have said, the Australian Council of Local Government Associations has requested that the attention of the Commonwealth Government be drawn to the fact that, while the State Governments accept the responsibility for considering the needs of local government, nevertheless local government in Australia receives scant recognition by way of financial assistance.

The Australian Council of Local Government Associations also urged that the Commonwealth Government be requested to review the present financial assistance grants to the States, with the object of making specific provision for local government within those grants, in addition to the direct assistance from the Commonwealth as proposed earlier in the publication from which I have quoted.

I suggest that these benefits should be made available throughout the States without any reduction in special grants that are already made to this State from a Federal source. We in Western Australia have a huge slice of Australia over which to spread our limited financial resources.

I ask, in particular, for the support of Country Party members so that if we are successful in our purpose, we can make living conditions in country areas more enjoyable for the people they represent. Local authorities in the city and in the country can give service consistent only with the amount of revenue available.

Another little publication which I find valuable is *Progressive Local Government Looks Ahead*. On page 2 it points out why local government is saddled with so much financial responsibility, and goes on to state—

> Why is this so? It is because the land rating system, the main source of local government revenue devised for the horse and buggy age, cannot possibly keep pace with the ever-growing demands of this modern era for more intensive and wider range of community service.

I submit these services are being provided by local authorities at the expense of ratepayers, when it is the responsibility of the taxpayers as a whole.

While I agree it is just that the landowner should meet the cost of works and services which add to the value of his property, I do suggest it is unjust that he should be expected to bear the cost of all services, many of which are enjoyed by the whole community. Neither the Commonwealth nor the States pay rates, but local government must meet the local impact of a migration scheme unparalleled in the history of Australia; make substantial contributions to the States for roads;

pay stamp duty; and meet payroll tax. A lot of these facts have not previously been made known to the House.

I ask: Where is the equity in all this? In an endeavour to meet the demands on local government, land rating has soared beyond all equity and reason, and, I suggest, beyond the capacity of those in the lower income bracket to meet it without hardship. I recently made inquiries in Fremantle and found the lowest rate was approximately £14 per annum; another example is the rate of £20, which I pay. I can manage that quite easily, but a lot of people in the lower income bracket cannot.

The House might ask: What is the remedy? I suggest the remedy lies in widening the source of local government revenue in the manner I have suggested. I would ask members not to just sit back and give me a polite, an indifferent, or a casual hearing on this issue. I would ask them to read my approach, to analyse it, and to support it for the good of those whom we represent in this House.

This is not a party issue, as the Premier would imply by his interjection. I repeat that it is not a party issue. Local government stands for the good of all the people. I would ask members not to blame local government for increased rates, if they do nothing about this matter; that is, if they do nothing about supporting my motion. I commend the motion to the House, and ask for the support of members on the three items enumerated therein; and I request the Premier to attempt to achieve what I have suggested at the earliest opportunity in Canberra or elsewhere.

Debate adjourned, on motion by Mr. Wild (Minister for Works).

FIRE BRIGADES ACT

Disallowance of Regulation 100A: Motion

MR. W. HEGNEY (Mt. Hawthorn) [5.20 p.m.]: I move—

> That regulation No. 100A made under the provisions of the Fire Brigades Act, 1942-1963, as published in the *Government Gazette*, W.A., on Thursday, the 16th April, 1964, and laid upon the Table of the House on Tuesday, the 4th August, 1964, be, and is hereby, disallowed.

The Fire Brigades Employees' Union is rather perturbed at the move made by the Fire Brigades Board, and for the benefit of members I will read the regulation referred to, which appears on page 1935 of the *Government Gazette* of the 16th April—

> 1. In these regulations the Fire Brigades Act Regulations made under the Fire Brigades Act, 1942 (as amended), reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 29th March, 1961, with all amendments up to and including the 28th September, 1960, and amended by notices published in the *Government Gazette* on the 29th June, 1961, and on the 19th February, 1964, are referred to as the principal regulations.
>
> 2. The principal regulations are amended by adding after regulation 100 the following regulation:—
>
> > 100A. (1) An employee of the Board shall, when so required by, and at the expense of, the Board submit himself for examination by the Government District Medical Officer who may, however, engage the services of consultants if, in his opinion, the case so requires.
> >
> > (2) The services of an employee certified by the Government District Medical Officer to be physically unfit for further service may be terminated by the Board.
> >
> > (3) An employee who fails, when required by the Board, to submit himself for examination, is guilty of an act of misconduct and his services may be terminated by the Board.

In moving this motion I wish to say, first of all, that the attitude of the Minister who, under the Fire Brigades Act, is responsible for the actions of the Fire Brigades Board is somewhat different from that of the late Mr. Gilbert Fraser.

In June, 1956, Mr. Fraser wrote to the Fire Brigades Employees' Union suggesting that it might agree to a regulation, recommended by the board, which provided for the medical examination of employees by a medical officer mutually agreed upon by the board and the union; and in the case of disagreement, then the principal medical officer would be the medical referee. Mr. Fraser also mentioned in his letter that the board suggested that if by direction of the board an employee did not produce a certificate of fitness for employment within two months, his services might be terminated after a month's notice. That is a precis of the then Minister's suggestion to the union eight years ago.

Let me follow that up by saying that the union met Mr. Fraser and explained its objection to such a regulation. The union confirmed its objection in writing later, and nothing further was done; and I am assured by the union that the then Minister was satisfied that the regulations as they obtained in respect of firemen, and the provisions of the industrial award under which they were working, were quite sufficient to meet the case and a further regulation was unnecessary.

But now we see in this regulation a dictatorial attitude by the board; and when I say "dictatorial" I mean "dictatorial," inasmuch as the board has gazetted the regulation and the medical officer is the Government District Medical Officer, who can call in consultants. We must not forget that the employees can be examined at any time—a dozen times a year—and if they decline to go before the medical officer, their services can be terminated because they will be guilty of an act of misconduct. This is not only a dictatorial attitude, but a rather un-co-operative attitude, too.

The Minister, the other members of the Government, and his other colleagues often suggest, when talking about industrial relations, that there should be greater understanding and more friendly relations between employer and employee, and between the Government and its employees; but in this case the board caused the gazettal of the regulation without any reference whatsoever to the union executive or to the secretary of the union—either the officers' union or the employees' union—and the first intimation they had of this regulation was when they got it secondhand. Prior to its gazettal on the 16th April they knew nothing about it. I say that is a very un-co-operative attitude and a dictatorial one; and one which we feel does not make for improved relations between the board and the Minister on the one hand the unions and their members on the other.

The contention is that there is no necessity whatsoever for this regulation; and I say that, because there are ample provisions already existing, from my point of view, and from the viewpoint of the union, which meet the case entirely. I will now quote a few of the regulations which are in operation at the present time. Regulation No. 97 reads as follows:—

> Every approved candidate will be required to undergo a strict medical examination by the Board's medical officer as to physical fitness before being appointed to the service.

No-one takes any objection to that. Regulation No. 129, which appeared in the *Government Gazette* on the 29th March, 1961, reads as follows:—

> Firemen shall receive such sick, annual and other leave (other than long service leave) as determined by an industrial award or agreement: Provided that further sick leave, with or without pay, may be granted at the discretion of the Board.

Regulation 130—I want members to follow the verbiage of this regulation—reads—

> Medical certificates shall be furnished as to an officer's or fireman's fitness or otherwise for duty on application for sick leave, and before resuming duty. Provided that the Chief Officer may dispense with certificates in cases where the sick leave does not exceed one day.

So we see here a provision which is already binding on the employees: one which obliges them to produce a medical certificate before they are entitled to resume duty. If they have been off duty for more than one day, they must produce a certificate of fitness before they are allowed to resume.

If a man does not take any sick leave in the course of a year—he is entitled to two weeks under this particular award; and for the information of members, he is entitled to accumulate his sick leave for an indefinite period—and he is carrying out his work in the ordinary way for 12 months continuously, where is the need for further medical examination? There is no need whatever if the man is carrying out his work. Why force him to go for further medical examinations when the position is very clearly set out in the regulation? if he loses time for more than one day, he must produce a certificate of fitness for work before he is allowed to resume.

To me the regulation that has been gazetted is entirely unnecessary. I now propose to read the relevant provisions of the industrial award which covers the Fire Brigades Employees' Union. It is clause 15, as follows:—

> (a) (i) A worker shall be entitled to payment for non-attendance on the ground of personal ill health for one-sixth of a week's pay for each completed month of service.
>
> (ii) The liability of the employer shall in no case exceed two weeks' wages during each calendar year in respect of each worker, but the sick leave herein provided shall be allowed to accumulate and any portion unused in any year may be availed of in the next or any succeeding year.
>
> (b) No worker shall be entitled to the benefit of this clause unless he produces proof satisfactory to the board or its representative of sickness but the board shall not be entitled to a medical certificate for an absence of one shift unless . . .

I want members to take note of this verbiage. I will start the paragraph again.

> (b) No worker shall be entitled to the benefit of this clause unless he produces proof satisfactory to the board or its representative of sickness but the board shall not be entitled to a medical certificate for an absence of one shift unless the pattern of his absences appears to the board to be excessive.

That indicates that the board is completely protected and covered, and has ample power now. The union is quite in accord with the existing regulations. It is not hostile about, and has no quarrel with, the provision which I just read. It is quite clear, beyond any doubt whatever, that the present provision in the award enables the board to demand a medical certificate if it appears to the board that an employee is taking undue advantage of the sick leave clause.

Mr. Ross Hutchinson: I think you are a bit off the beam there.

Mr. W. HEGNEY: I am not off the beam; and if the Minister in his reply is as close to the beam as I am, he will agree to the motion for disallowance.

Mr. Ross Hutchinson: We will see about that.

Mr. W. HEGNEY: That is the position as the union sees it. If the pattern of an employee's absence is such that the board is not satisfied with the employee's attitude, then the board has protection under the provisions of this award in being able to demand further medical certificates.

At this stage I would like to pose this question: What is the reason for this further regulation? It was suggested eight years ago, and nothing has been done since. I invite the Minister in his reply to produce cases which justify the retention of this regulation. I am assured by the executive members and officers of the union that if it is apparent a man is not able to carry on his work as a fireman, then, unless he is transferred to the special services branch or lighter employment is found for him, his services are terminated.

I would like to get to the bottom of the reason for this regulation. These men make a career of this calling, and I want to know the reason for the regulation. I have been trying to find one, and the only one I can advance, although it may be wrong, is that the board wants to get rid of men over 35 or 40 years. They must be between 21 and 30, to be accepted into the brigade.

What is the reason for it? That is what I would like to know. The then Minister discussed the matter with the board, and he was satisfied there was no need for such a regulation. That was eight years ago. If the Minister likes to look up the file he will see that the then Minister wrote a letter to the union on the 1st June, 1956. The Minister met representatives of the union and discussed with them the situation. The union representatives confirmed their objection in writing, and I am assured by them—and I have no reason to doubt their veracity—that the Minister of the day was quite satisfied, and nothing further was done.

What circumstances or abnormal positions have arisen to justify the gazettal of this regulation behind the back of the union? Why was the union not consulted and asked for its opinion? Why were representatives of the union not invited to discuss the matter with the board or the Minister? Behind the back of the union the gazettal is effected. If the Minister can tell me that that is the way to treat employees and win friends and influence unionists, he has another think coming.

Members of the union are rather incensed at the action of the Minister, who must take the responsibility.

Mr. Hawke: Hear, hear!

Mr. W. HEGNEY: I presume the Minister saw the regulation before it was gazetted. He would see the file dealing with the matter. If he did not he ought to have. He is not a rubber stamp altogether. He should have seen the file and the proposed regulation and should have inquired whether members of the union who were directly involved had been consulted and their views obtained. That is nothing extravagant or unusual to ask. The reasonable proposition would have been for the Minister to discuss the matter with the members of the union, and if he was satisfied that the union's case was so strong that there was no necessity for further restrictive regulations, the whole thing should have been forgotten again. The action taken on this occasion is in complete contrast to the attitude of the then Minister who did consult the union and was satisfied that no action was necessary.

I have quoted the existing regulations and the relevant provisions in the award, and I suggest at this stage that the Minister would be well advised to agree to the withdrawal of this regulation and start afresh by inviting the representatives of the union to meet him. He could consult the chairman of the board or the whole board if he likes. He should do the honourable and decent thing instead of using backdoor methods.

Mr. Ross Hutchinson: You are not hinting I have done anything dishonest, are you?

Mr. W. HEGNEY: I am not hinting that the Minister has done anything dishonest. I am hinting that he has done nothing, and he ought to have done something. He ought to take the responsibility of ensuring that in a case of this nature he treats members of the union as human beings. Do not treat them as dirt.

Mr. Ross Hutchinson: Do you think I should be on the ball like you were when you were Minister for Education?

Mr. W. HEGNEY: I do not think you should be on the board.

Mr. Ross Hutchinson: On the ball! Wake up, wake up!

Mr. W. HEGNEY: You are the Minister. Are you suggesting—

The SPEAKER (Mr. Hearman): Order! I think the honourable member had better address his remarks to the Chair.

Mr. W. HEGNEY: I am, Mr. Speaker. I can say that if the Minister is not on the ball he must take the responsibility for not being on it. When he replies, I would like to know whether he has seen the file, or whether he saw the file before the regulation was gazetted.

Mr. Hawke: It sounds as if the Minister was in a back pocket.

Mr. W. HEGNEY: I want to know whether the Minister is in charge of the board, or whether the board can do things without the knowledge of the Minister.

Mr. Ross Hutchinson: I listened quietly enough until you started to get a little personal.

Mr. W. HEGNEY: I am not being personal with the Minister. Anything that I have said is political. It is criticism of the Minister in his ministerial capacity, and is quite justified. I think he is too nice a chap for me to get personal. I have too many personal faults of my own, and I never get personal.

Mr. Hawke: Hear, hear!

Mr. W. HEGNEY: I think that is the last thing the Minister should accuse me of—of being personal. I should like to point out that it is my firm opinion that the decent thing to do in regard to this matter is for the Minister to take steps to have the regulation disallowed, and then to make arrangements for the representatives of the union to interview him. The union is incensed at the attitude of the board. A few little items have cropped up which have helped to make members of the Fire Brigades Employees' Union a bit restless; and not only restless, but also a bit concerned at the attitude of the board.

The other day I asked some questions of the Minister regarding sick leave, and so forth. I will not read all the questions.

Mr. Ross Hutchinson: You got a fair answer.

Mr. W. HEGNEY: I am making the speech. In his reply the Minister will be able to say whether the answer was a fair one. For the purpose of greater accuracy, I had better read my questions. I am not saying that the answers were not fair from the Minister's point of view; but I am saying that the answers were unjust.

Mr. Ross Hutchinson: Is this relevant to the matter?

Mr. W. HEGNEY: It is relevant to sick leave, medical service, and so forth. There is every relevancy. I asked—

> Is it a fact that Mr. F. Robinson recently relinquished his employment with the Fire Brigades Board after approximately 39 years of service?

The answer was, "Yes." My next question was—

> Is it a fact that within a few days of his retirement he was obliged to undergo a very serious operation?

The answer was, "Yes." Another question was—

> Is it fact that he had accumulated a credit of about 80 days' sick leave under the provisions of the industrial award on entering hospital?

In the course of my speech I read a provision from the industrial award which provides that if an employee does not take advantage of two weeks' sick leave provided in any one year, it can accumulate indefinitely. Mr. Robinson had 39 years' service and he had accumulated 80 days' sick leave; but because he had to undergo a serious operation within a week of his retirement—after 39 years' service—the board refused to pay him any sick leave after the date of his retirement. The board did say that he was entitled to it.

In his reply the Minister said that Mr. Robinson did have 39 years' service and that he had reached retiring age. I asked the Minister the following question:—

> Will he undertake to give personal attention to the circumstances surrounding Mr. Robinson's service, retirement, and the board's refusal to pay him the accumulated sick leave referred to?

I asked the Minister if he would give personal attention to the circumstances in regard to a man who had 39 years' service and who had to undergo a most serious operation within a week of his retirement; a man who, without any equivocation whatsoever, had 80 years' accumulated sick leave.

Mr. Hawke: Eighty days!

Mr. W. HEGNEY: I wanted to see if members were listening. I asked the Minister whether he would give personal attention to the circumstances. He replied as follows:—

> No. Mr. Robinson reached the retiring age of 65 years on the 12th June, 1964, and received full pay to that date. His conditions of employment did not require full pay thereafter. He received a lump sum superannuation amount of £2,739 on retirement—

But he had subscribed to that. The Minister's reply continued—

> —together with £362 payment for accrued annual leave and long service leave.

Mr. Robinson was entitled to those perquisites. He was morally entitled to the 80 days' sick leave that he had accumulated; and because he had to go into hospital one week before the date of his retirement, the board refused to grant him that entitlement. Those are the bald facts.

Mr. Ross Hutchinson: Very bald!

Mr. W. HEGNEY: Without making comparisons with the Minister, I suggest that if private members on the other side of the House were in the Minister's position, they would give personal atention to the circumstances and would decide, on a commonsense and humanitarian basis, to grant Mr. Robinson his entitlement of 80 days' sick leave. He was morally entitled to that.

I suggest that the Minister should give serious consideration to this matter and agree to this motion for disallowance of the regulation; also, that he should make arrangements to meet the representatives of the union. Once the views of the union, its explanation, and its attitude have been heard, some amicable arrangement could be decided upon which would overcome the present situation. I can assure the Minister and members of this House that the union is incensed at, and most dissatisfied with, the attitude of the board for having this regulation gazetted behind its back; and I quite agree with the union.

Debate adjourned, on motion by Mr. Ross Hutchinson (Chief Secretary).

MILK ACT

Disallowance of Amendments to Regulation 318: Motion

MR. KELLY (Merredin-Yilgarn) [5.48 p.m.]: I move—

> That the amendments to regulation No. 318, made under the Milk Act, 1946-1963, as published in the *Government Gazette* of the 10th March, 1964, and laid upon the Table of the House on the 4th August, 1964, be, and are hereby, disallowed.

The amendments to regulation No. 318 appear in the *Government Gazette* as follows:—

> 2. Regulation 318 of the principal regulations is amended—
>
> (a) by deleting the passage, "affix to, or" in line one of paragraph (a); and
>
> (b) by substituting for the words, "affixed to or painted upon" in line two of paragraph (b), the words, "painted upon it".

The amendments, which came into force on the 30th June, altered a regulation that had existed since the 17th March, 1950. So far as I can understand, few prosecutions have taken place in this regard. The Minister and the board have seen fit to alter the reading of regulation No. 318, which originally read:

> (a) Every milk vendor shall conspicuously affix to, or—

Those are the words that have been deleted. Continuing—

> —paint and maintain upon every vehicle used by him for the distribution or sale of milk, in letters not less than two and a half inches in height and of proportionate breadth, his name and address, or, if a Company, the name and registered address of such Company, upon both sides of each such vehicle.
>
> (b) No person shall carry milk into or in any district in or upon any vehicle unless such vehicle has legibly and conspicuously affixed to or painted upon it the name of the milk vendor as provided in this Regulation.

I desire to show the House how utterly ridiculous is the deletion of the several words in paragraph (a) and the substitution of certain words in paragraph (b) of the original gazetted regulations. The deletion of the words is unreal and unjust. I wish to show, too, how they place a very distinct hardship on the milk vendors of Western Australia. I do not have any argument at all—and I do not suppose any member here would have any argument either—as to the need for a notice to be carried by a vendor distributing milk, or any other commodity for that matter, clearly defined for the public to see if they want to see such a notice.

There may be some other reason for the Minister desiring the notice to be so important, but I do not know of any reason other than that it is customary to have a vendor's name and address on the vehicle for his own benefit. The vendor usually does that without the necessity for any regulation. I can see nothing wrong with the carrying out of normal practice in that regard, but I can see a great deal wrong in the regulation which has deleted just those few words. The regulation now makes it necessary for milk vendors to have on their vehicles a permanently painted sign. That is the bone of contention that has arisen.

I think it would be quite simple—very simple as a matter of fact—to devise a sign that can be taken off the vehicle when the vehicle is not in use for milk vending. There would be no difficulty whatever in doing that. A number of ways come to my mind easily and quickly, by which this anomaly could be overcome. It could be overcome in such a way that it would be quite in accordance with the desired intention of either the Minister or the Milk Board. Probably the Minister has not given much thought or consideration to the matter, but the board apparently has.

Mr. Hawke: Is there anything in the Act or regulations which prohibits the use of such vehicles for unhygienic purposes?

Mr. KELLY: Yes; that is dealt with, too. The vendor must conform to hygienic methods in every respect, and I think that aspect would be adequately covered. I think that nine out of 10—if not 10 out of 10—adhere very closely to the health regulations.

Mr. Nalder: The Minister gave a considerable amount of thought to this regulation before it was gazetted.

Mr. KELLY: To be candid, I thought the alteration came from the office boy and not the Minister. That is how it appears to most people who have given thought to this matter, and I will endeavour to show why I think that is the case.

As an indication of the easy manner in which this regulation could have been overcome without all these words, might I say that a painted sign, bearing all the characteristics applying over a period of years and conforming to the regulations as we know them to have existed in the past, could be screwed on to a vehicle. It could be bolted on, or fixed in a slot, so that at the end of a delivery the sign could be lifted out and the vehicle used for other purposes. I think the easiest method would be to hinge the sign. It could be hinged in such a way that when the vehicle was not in use for the delivery of milk—whether it be a car, utility, or station wagon, or whatever vehicle the vendor was using it—it could be turned so as not to show.

Mr. Runciman: The vendor might forget to turn the sign out again.

Mr. KELLY: If he did that he would be liable to be prosecuted; and he expects to be prosecuted if he does not conform to the Act if it is reasonably administered. But this is not a reasonably administered section when a regulation of this kind can cause a great amount of concern. It has caused a lot of concern amongst milk vendors.

Surely the Minister, or the Milk Board, is not so totally devoid of ideas that regulations of this kind have to be brought down; A sign has at all times to be permanently fixed on the side of the vehicle, irrespective of the fact that the vehicle might be used for milk delivery during a few hours only on each day. A milkman would not be employed on this particular job more than four hours a day; maybe five hours in some cases, and if he has a big round, it could even go into six hours. However, regulations provide that he has to be off the road by a certain time. Therefore, the taking away of the few words from the regulation has created a great difficulty and hardship, which is so senseless. It is so useless it does not achieve anything at all.

I cannot understand why anyone would want to make conditions more difficult for his fellow men, such as the action taken on this particular occasion does. The Retail Dairymen's Industrial Union of Employers approached the Minister when this regulation was first gazetted. However, the Minister would give them no assurance whatever. They then wrote to the Minister; and I would like this letter to be read to the House, as I understand it could be at some later stage. The letter will show the degree of brush-off the union people received.

The Minister's outlook was totally unfair in regard to a very fair endeavour on behalf of the vendors of this city to have some time to overcome the difficulty the Minister was going to create once he brought the regulation into effect. But what did he do? He brushed them off. He was asked to refrain from gazetting the notice, or putting the regulations into operation, until Parliament had had an opportunity to peruse the situation and to pass some verdict on the matter. But the Minister would not listen. I think he was very unjust in not having something more in the way of understanding.

A member: Redress.

Mr. KELLY: No; redress is not the word. I think the other people would have the redress, not the Minister. At least the Minister should have shown some sympathy in regard to something that has been on the books since 1950, which is 14 years ago. During that time he and his predecessors have rarely prosecuted and the majority of vendors have been able to conform to the regulation and have had the loose type of sign showing the name and address affixed to their vehicles. This Minister could not allow a few months' grace, even though the regulation had been on the books all that time.

Mr. Nalder: If the regulations are observed it overcomes prosecutions.

Mr. KELLY: It does not overcome prosecutions.

Mr. Nalder: Yes it does.

Mr. KELLY: It does not.

Mr. Nalder: It certainly will.

Mr. KELLY: No it will not. Why does the Minister want to adopt such an arbitrary attitude towards these people? Why does he not give them a hearing so that he can talk their points over with them?

Mr. Nalder: This matter was deferred for nearly three months while I gave full consideration to every aspect of it.

Mr. KELLY: Fancy taking three months for a little insignificant thing like that, which should take only five minutes to decide!

Mr. Nalder: You said I took no notice of them at all.

The SPEAKER (Mr. Hearman): Order!

Mr. KELLY: I cannot help having something to say to the Minister because of his unruly interjections, Mr. Speaker. There are a number of points about this matter that strike me as being relevant. I would point out that in nine cases out of 10 the vehicles that are used by these vendors are their only means of transport. They have nothing else that they can use;

and, as I said earlier, some of them are using utilities, some are using vans, odd ones have the station wagon type of vehicle, and a few others—only a small number—are using cars. How ridiculous it is that a man who uses a vehicle for only two or three hours in the course of the day—or even four or five hours—delivering milk is compelled to have emblazoned on the sides of his vehicle his name and address!

If a vendor wants to take his family on a shopping spree at 9 or 10 o'clock in the morning, or to visit people, or go to the beach during the weekend, or do anything at all, he has to drive a vehicle which bears a big commercial sign.

Mr. Runciman: A number of people have complied with the regulation.

Mr. KELLY: Because they know darned well that if they do not they will be fined. They have to comply with the regulation simply because it exists. That is the only reason for it; it is not because they want to comply with it. Make no error about that! There would not be one per cent. of the vendors who would want to conform to the regulation. I think it is ridiculous to insist that vehicles which are used in a private capacity to the extent that these vehicles are should have to carry a commercial sign of a permanent character.

I have heard a number of reasons in regard to the matter, but I do not attach a great deal of importance to them. I understand one of these vendors had his sign painted as is decreed by the regulation—that is, the name and address painted on both sides, and not just one side of the vehicle—and he took his family to the beach for a swim during the summer. His house was burgled; and it transpired that the burglar knew of the circumstances, and committed the offence in the family's absence. Apparently the burglar knew, from the sign on the vehicle, that the occupants were at the beach, and he came back and burgled the house. One would think that that, if nothing else, would have moved the Minister; but apparently it did not. I can see from the way the Premier is looking that he is keen to interject but I believe he would agree with what I am saying.

Mr. Brand: Surely that sort of thing could happen to anyone!

Mr. KELLY: A number of other things are happening, but that is no reason why we should perpetuate something that is wrong. Would the Premier like to have painted on both sides of his vehicle, "The Hon. David Brand, Premier of Western Australia" every time he went to the beach on Sunday? The Premier would not travel five feet with signs like that on his car.

Mr. Bovell: I am sure the Premier does not have time to go to the beach on Sundays. He is too busy looking after the affairs of the State.

Mr. Tonkin: You'll get on!

Mr. KELLY: That sort of interjection from the Minister for Lands is just hooey.

Mr. Brand: It was a sympathetic interjection.

Mr. KELLY: Another feature of this business, and one which perhaps makes the situation of milk vendors different from that of other small businessmen who have delivery vehicles, is the fact that because of the work that these people perform, their vehicles have to be traded in about once every two years—and that is a conservative estimate of the period. The reason for this is that they are constantly stopping and starting, slowing down and speeding up, putting their vehicle in gear and out of gear as they go from house to house; and, as a result, the vehicles develop gear faults very quickly and have to be traded in.

Because of the Minister's regulations, if a man buys a new vehicle he has to have it defaced with a lot of signs. He has to meet the expense of painting a sign on both sides of his vehicle which is due for a trade-in almost by the time he gets it on the road. The next step is that he wants to trade in the vehicle, but because it is a "milk-o cart", what is the reaction of the car dealer with whom he is dealing? He naturally says, "Oh, this is a 'milk-o' vehicle. It has the inside of the gear box torn out, and it is not a very good proposition. In any case, we would have to paint it before we could sell it." This would mean that if the milk vendor wants to remove the sign he has to give the vehicle a semi-spray paint job before he is able to trade it in. For that reason alone the Minister should have another look at this regulation.

These men are not millionaires. They do not have the State Treasury behind them when they are in difficulties. Many of them are in only a small way; they have only a small quota. Further, they are on the road early in the morning and conduct a business which would not appeal to nine out of 10 people. Because of all these factors, surely to goodness we can devise something better than this arbitrary regulation; something which would not require them to have a sign on their vehicles and which would best serve their requirements.

Another aspect of this ridiculous situation is that because these people are in a singular type of industry, by regulation they have to be off the roads by 7 a.m. Therefore how many members of the public would see the sign between 3 a.m. and 7 a.m., especially during the winter months? Hardly a soul would see such a sign! Even an inspector would probably be among the few who would be hard put to locate "milk-os" at that time of the morning to find out whether their vehicles had signs painted on them. What

would be the benefit of having such signs painted on these vehicles, even during the summertime, other than from the point of view of advertising the person's business, which would be in his own interests? There is no sound or logical reason why this regulation should be so harsh and stringent on milk vendors.

Naturally I have given some thought to this regulation, and I am wondering whether the Minister has an interest in a signwriting business or an advertising firm which will earn him a few shillings.

The SPEAKER (Mr. Hearman): You are imputing wrong motives to the Minister, are you not?

Mr. KELLY: I said I was only wondering. I do not know whether that would be the case; but I know that there are many signwriters and spray painters and men in similar vocations who are looking for work, and I cannot see any logical reason why a regulation of this kind should have entered the Minister's mind in any circumstance.

Mr. Graham: The Minister is convinced already.

Mr. KELLY: It would almost appear that a junior office assistant had suggested this regulation, and, at the first opportunity, the Minister had put it into effect.

Mr. Nalder: The House is waiting to hear the convincing argument that you are going to put up.

Mr. KELLY: I can tell the Minister that he would be hard pressed to have this regulation accepted if it were not for party political support. If members were allowed to vote according to their own opinions, and their own logic, the Minister would probably not get anyone to support him in this move, except the Premier who sits alongside him.

Mr. Brand: Unquestionable support!

Mr. KELLY: It is questionable support. If this regulation can be justified, why cannot similar regulations be introduced to apply to other vendors operating small businesses throughout the State? For instance, there are a great number of greengrocers all over Western Australia. Dozens of them do not have any signs painted on their vehicles. There is nothing to indicate what line of business they are in. There is no regulation which provides that they shall be off the road by 7 a.m. They are perfectly free to act as they like, yet nothing is done or said about their activities. They would come under the jurisdiction of the Minister in all probability.

What about orchardists who are vending their fruit? On any Sunday afternoon one will find orchardists selling oranges and other fruit on the side of the road; many of them with the fruit displayed on their vehicles. Yet those vehicles do not have any signs painted on them. Take the beekeepers! They vend their honey in a large drum carried on a vehicle; and one runs out with a container, or even a 7lb. tin, which the vendor will fill with honey from the drum. Yet there is no regulation which states that beekeepers have to have a sign painted on their vehicles.

One could probably cite other examples known to members who sit on the cross-benches. They frequently transport sheep and cattle in their vehicles, and I feel quite certain that they do not have signs painted on their vehicles indicating what line of business they are in. Usually, one can judge what sort of business they are engaged in by the smell after the vehicle has passed, but their is no sign painted on the side of the vehicle to indicate their line of business. There is no regulation governing their activities; and yet we are singling out the poor milk vendors to impose hardship on them by this regulation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. KELLY: Prior to the tea suspension I was endeavouring to ascertain whether there was any legitimate or logical reason for the deletion of the words, "affixed to," from the original regulation No. 318. Up to the present time I have not gained much indication from the Minister as to why he desires to inflict this difficulty on the people mainly concerned. I wanted to find out why so much importance attached to the deletion of the two words, because on the surface there does not appear to be any very sound reason for it. Possibly the Minister may have some departmental reason for taking this step; but as I have said, up till now we have had no indications as to why he is so keen to make milk vendors display permanent signs on the vehicles they drive.

I have asked myself what are the pitfalls associated with signs that could be removed at the end of a morning's delivery. I wonder whether experience discloses any sound reason why this should be so; whether there are any loopholes in the existing legislation for skulduggery of one kind or another among milk vendors; and whether they will do all sorts of wicked things if they continue with the principle of removable signs.

Mr. Runciman: They do remove them.

Mr. KELLY: I know they do. But if they do so and leave themselves open to prosecution, they will be quite happy to be prosecuted; because they agreed among themselves that if it is necessary to do something like this and to depart in any way from the regulation they would be prepared to be fined for committing a breach. There is no doubt about that.

Up till the present time we have had nothing advanced by the Minister, apart from the fact that he said he had given

the matter three months' study before making a decision of that nature; as to whether it was necessary or not. He has not indicated, however, why it was necessary to bring down an amendment such as the one we are discussing.

If there is good and sufficient reason for such an amendment why not apply the same principle to a number of other cases, of which I have already mentioned a few? For instance, why should not a regulation be gazetted covering the numerous hawkers that are about representing a particular Australia-wide firm which is vending all sorts of groceries? It vends every conceivable type of commodity that one can think of, and it does so both in the metropolitan area and in the country areas. Not one of its vehicles, however, is painted with the name and address, and yet it is carrying all sorts of lines.

Mr. Runciman: But they are not subject to inspection.

Mr. KELLY: But if the principle exists in one case why does it not exist in the other? It cannot be due to the fact that one section of the community is delivering a perishable article while the other section is not. That cannot be a legitimate reason.

Mr. H. May: They have probably run out of principle.

Mr. KELLY: There does not appear to be any principle involved in cases like this. The firm to which I am referring would be known to every member here, and it hawks all kinds of groceries; nothing is debarred. It carries its goods from door to door and solicits business from house to house. There is no doubt that it often creates a nuisance of itself. This is certainly not done by the milkman.

Mr. O'Neil: Is it selling goods available through normal outlets?

Mr. KELLY: Yes; it is selling all sorts of groceries, detergents, and so on. It has everything installed in its vehicles. These people also sell a number of containers which can be bought at almost any store. These containers are marked "Poison—not to be taken." This firm comes to my home quite frequently, so I know the lines it is carrying. It is, however, allowed indiscriminate use of its vehicle without any demarcation whatever.

Let us also consider the case of a newsagent, who delivers the newspaper at about the same time as the milkman delivers the milk, and who is required to get off the road at the same time as the milkman. Nothing is done so far as the newsagent is concerned. He can come to our homes and throw the paper over the fence, possibly knocking over a prize flowerpot, without anything being done to curb him. He is even allowed to drive on the wrong side of the road, as no doubt does the milkman—they certainly do, whether they are allowed to do so or not.

There are also other cases which are parallel to that of the milk vendor, but which are in no way governed by regulations calling for the name and address to be painted on their vehicles. In the case of plumbers, for instance, we would not know what their calling was if it were not for the fact that they had pipes and other paraphernalia hanging round their vehicles. Some of them, of course, do have their names painted on their vehicles for purposes of advertising. On the other hand, there are a number of them who use a station wagon type of vehicle on which it is not necessary for them to paint a sign or anything else.

Of course, this has not been brought in by the Minister as a matter of principle, because the principle has existed for a long time. It has, however, been enacted in an unfair manner by the further regulation. To give a further example: There is no reason why purveyors of night soil should not put a sign on their vehicles, because that would be an obnoxious industry—if one could call it that. There is nothing which prescribes that these people have to have signs painted on their vehicles. If I had anything to do with that matter, they would be the first category of people to be brought under a regulation of this kind.

The Minister does not appear to have given thought to such instances. I am reminded of another one: What happens in the case of a milkman whose vehicle has broken down? It might not be a major breakdown, but he might have to wait a fortnight for a part. Is he to procure another vehicle and have his name painted on it before he can put it into use and deliver milk in the way in which he has been accustomed? Surely the Minister must realise there are many anomalies that are likely to arise! I could go on enumerating dozens of other small business people who use their vehicles for deliveries, but who do not come under a regulation of this kind.

I do not know whether it is of any use to appeal to the Minister. I overheard one honourable member at the end of a bench saying this evening I would not make an appeal; but I now sink my pride and appeal to the Minister. I am sure he is not as hardhearted as he really looks. I am also sure he is amenable to reason. I make a very sound appeal to him on behalf of the people who are engaged in an industry which is not giving them a tremendous income. He should have some milk of human kindness; he should give this matter a thorough review, and a reasonable answer in this debate.

Debate adjourned, on motion by Mr. Nalder (*Minister for Agriculture*).

SWAN RIVER RECLAMATION

Suspension of Work: Motion

MR. TONKIN (Melville—Deputy Leader of the Opposition) [7.43 p.m.]: I move—

> That consideration by Parliament last session of the Government's proposals for the further reclamation of the Swan River in connection with the Mitchell Freeway and Traffic Interchange having been inadequate for a matter of such far-reaching importance, it is the opinion of this House that all work relating thereto which is at present in progress should be suspended and no further work undertaken, and the Chief Traffic Engineer and Town Planning Commissioner should go abroad to observe the latest trends in methods of traffic control in various parts of the world.

This motion is in two parts. The first portion is an assertion which I hope to prove, and the next is a request or suggestion which I trust will be followed. The first portion of the motion is as follows:—

> That consideration by Parliament last session of the Government's proposals for the further reclamation of the Swan River in connection with the Mitchell Freeway and Traffic Interchange having been inadequate for a matter of such far-reaching importance—

The resolution which was brought before Parliament for consideration by the Minister for Works in the last session was introduced without notice on the last day of the session. It cannot be gainsaid that it was not a matter of far-reaching importance, because the proposals were preliminary to a proposed expenditure exceeding £8,000,000; and the work to be undertaken was of such a nature as would very seriously interfere with the environs of the city. It could not have been left later to be introduced in Parliament, as it was brought in on the very last day of the session, and introduced without any prior notice.

It appears to me that such a procedure could not possibly be excused on the ground of great urgency, because it was some weeks subsequent to the rising of Parliament that the initial work of filling in the river commenced. There was ample time for the Government to have agreed to the committee which was suggested, and moved for in this House, and for the committee to have given consideration to the proposal before any work was undertaken.

But the Government would not be delayed at all. It proceeded to force through Parliament the resolution which sought to give it the legal right to commence the reclamation involving the river. Subsequent to the rising of Parliament, the Labor Party sought to have the work delayed. The Premier was asked to receive a deputation, to which he agreed, and which he did, in fact, receive; but unfortunately it seemed his mind had been made up before the deputation reached him, because a member of the Liberal Party rang me up a few days after a meeting of one of the branches of the Liberal Party, and told me that the meeting had been informed that, although the Premier was going to receive the deputation, he had no intention of changing his mind on the subject. Of course that was pretty obvious when the deputation met him, because no attempt was made to reply to the arguments which were advanced. It was perfectly clear that the Premier was determined upon the course which had been indicated in Parliament, and would brook no delay.

Mr. Brand: There was a reply to your arguments.

Mr. TONKIN: It seems remarkable that we, in Western Australia, can proceed on a task of this magnitude without a full realisation of the nature of the problem and the very great difficulties that have confronted people in other places. What is more, we started on it without complete plans of what we were going to do; and those plans are not yet completed.

On the 6th August of this year I asked the Minister for Works a question, and this appears on page 104 of the current *Hansard*. I asked him—

> Will he table a plan drawn to scale which shows the position and extent of the embankments which will be required for the proposed Mitchell Freeway and interchanges?

This was some eight months after the Government had asked Parliament to agree to the commencement of the work. The following is the Minister's reply—

> Plans showing the position and extent of the embankments of the proposed Mitchell Freeway and interchanges will be tabled as soon as detailed designs are completed. There are still aspects in planning and design which must be resolved with the Region Planning Authority, Perth City Council, and other authorities affected.

Here we are into September, but still there are no plans. This is some nine months after the Government commenced the work. So the Government commenced without knowing what it proposed to do. In view of the experience elsewhere, that is a most remarkable attitude.

When speaking to this proposal in the House last December the Minister said it was anticipated that by 1985 the traffic flow in the metropolitan area would reach 180,000 vehicles per day. Assuming that most of that traffic will occur during a period of 18 hours, say,

from 6 a.m. to midnight, that gives us a traffic flow in the metropolitan area of 10,000 vehicles an hour. It is my firm opinion that the City of Perth cannot possibly cope with that flow unless something is done in the way of redevelopment of the city itself. To establish this ring road, as is proposed, without any redevelopment, will, according to the best authorities in the world, only bring about a chaotic state.

We were told that the firm of De Leuw Cather & Company had been brought here from America to report upon the Mitchell Freeway and the necessity for the reclamation of the Swan River. We do not know the full extent of the things upon which they were asked to report, but it seems to me they did not give any report about the capacity of the city to deal with the vehicles which would be directed to it. I think they were asked to report upon the amount of ground required for the traffic interchange and whether it would involve any reclamation of the river.

It seems to me that the consideration should have been far broader than that, because there is a lot more involved. If we are to have 10,000 vehicles an hour in 1985 without any redevelopment of the city, imagine what is going to be the situation in the light of what I am now about to read; and I quote from *The West Australian* of the 2nd April this year—

> More Cars Brought Into City
>
> Perth police estimated that hundreds of extra cars were brought into the city during the morning peak hour yesterday by owners who did not want to stand in the rain at bus stops.
>
> Traffic accident inquiry men said that drivers forgot that wet roads led to skidding and most of the calls to them were for minor bumper to bumper knocks.
>
> The evening peak flowed more smoothly.
>
> Children waiting at bus stops on Riverside-drive after school near Langley Park were drenched by cars driving through the flooded gutters.
>
> The St. John Ambulances from the Perth depot answered ten calls to accidents between 8 a.m. and 6 p.m.

I happened to be in the city myself that day as I desired to make a small purchase. I drove around for 35 to 40 minutes, adding to the traffic congestion, looking for a parking spot and finding myself frequently at the end of a line of traffic which was unable to take advantage of the change in the lights because there was not sufficient time for all the cars waiting to go across to do so. That is in 1964. What is going to be the situation in the city in 1985 if, after we have built the Mitchell Freeway and provided for 15 traffic movements in and out of the city, no redevelopment takes place in the city to handle the traffic?

It appears to me that we have rushed headlong into this without an adequate examination of all the aspects involved. We have a situation where the Main Roads Department, whose job it is to build roads, has no shortage of money or staff and is planning to build roads to provide for motor traffic. We have a band—and a very small band—of men in the Town Planning Department without sufficient funds and without sufficient staff to enable them to keep pace with the development which the city requires. So they are not in a position to give adequate and complete answers to the questions which are posed following on the road development which the Main Roads Department is desirous of carrying out.

The Minister for Transport in Great Britain, realising the magnitude of the task which was confronting him—and, in fact, confronting all countries in the world—decided it would be necessary to set up expert planning committees to advise the Government. So he set up two. He set up a group known as "The Steering Group" and I propose to read the personnel in order to show the prestige of this committee, because I wish to make quotations from its findings. The Chairman was Sir Geoffrey Crowther, following Sir William Holford, who gave the Western Australian Government some advice in connection with the Narrows Bridge; Mr. O. A. Kerensky; Sir Herbert Pollard, C.B.E.; Councillor T. Dan Smith; Mr. Henry W. Wells, C.B.E.; and Mr. R. N. Heaton, C. B. Assessor.

There was also a planning group; and although these groups worked independently, there was liaison between them; and the Steering Group, when it made its report, referred to the findings of the Working Group. The Working Group consisted of Colin Buchanan, G. H. C. Cooper, Ann MacEwen, D. H. Crompton, Geoffrey Crow, Gordon Michell, David Dallimore, Peter J. Hills, and Derry Burton. Every one of them were university graduates, excepting Derry Burton; and several of them were engineers.

All through their report, which is to be found in a book called *Traffic in Towns*, very recently published, they draw attention to the complexity and the magnitude of these problems; and they keep on emphasising the very great difficulty in being able to find a proper solution. Mr. Buchanan said—

> It would be unwise to feed in wide roads stimulating large vehicle movement from suburban areas if the central areas were not capable of accommodating the traffic.

From the extract I read from *The West Australian*, it is clear that the City of Perth at present is not capable of accommodating the traffic.

What is going to be the position in 1985, with 10,000 vehicles per year, if there is no redevelopment in the city and the provision

of wider roads and the exclusion from some roads of vehicular traffic? The Mitchell Freeway proposal is one of ring roads, and Buchanan had this to say about such a proposal—

> If a wider view is taken the actual contribution to relieving the centre is extremely uncertain.

These two reports deal with the coming of the motor age. They say we can anticipate a very steep growth in motorcar ownership and that it will not be reduced because of difficulty in travelling. It is the American experience that difficulty in travelling on the roads has not brought about any reduction in the amount of vehicular traffic.

The people who have not hitherto owned a motorcar, but find it possible to own one because of reduction in price or improvement in their living standard, will own a motorcar even though they find the greatest difficulty in getting a place to park or in using it once they have got it. But it is the American experience that they will continue to buy; and so we have to take the steps available to us in some way to try to encourage people who have bought motorcars to use them only on certain occasions. The greatest possible emphasis is placed upon the absolute necessity to expand public transport, and to encourage people to leave their cars away from the city and use public transport in order to get to it.

The argument is advanced that it might very well be sound economics to provide public transport without charge in order to encourage people to use it, because in so doing the Governments would save more in the roads that they would not have to build than they would lose in carrying people on public transport short distances to their work. We have the example in San Francisco where, because of the great traffic congestion and the time taken to travel the roads by motorcar, the people have voted to tax themselves in order to provide more public transport which they can use.

The experience in a number of countries is that the case for public transport has definitely been proved and that it is a less shortsighted policy to sink railways underground, to provide electric railways, or to provide free bus transport, than to provide a lot more roads which, once provided, create further traffic congestion somewhere else.

Holford and Buchanan have both said with their associates that buildings which generate traffic should be integrated with the traffic arrangements in an overall concept of town planning, and this may require positive and comprehensive redevelopment; and following on this line, the future pattern of cities should be conceived as a patchwork of environmental areas; that is, areas from which traffic, other than that which has business in the area, would be excluded, with the environmental areas both separated by, and connected with, a network of distributor roads used for traffic and traffic only.

This redevelopment means, of course, reshaping the city; and it is argued by the authorities that that should be the first step before extensive road provision is embarked upon in order to relieve the motorcar congestion which has developed. According to Buchanan, in what he calls his conclusions for public policy, the influence of transport on the shape and growth of a nation's economy is fundamental. A mature economy is equally sensitive to the condition of its road transport system.

With regard to our ring roads, I pose this question: Will they in truth be ring roads in 1985, or will they be roads in the heart of the city taking traffic through the heart of the city? Will they in 1985 be roads which are allowing vehicles to bypass the city, or will they be roads bringing into the heart of the city traffic that does not want to go there? I ask members to visualise just where these ring roads are to be placed. Think of the growth that has taken place in the city in the last 25 years, and then imagine what its size is likely to be in another 20 years; and consider whether these roads will then be ring roads.

Mr. W. A. Manning: It will be decentralised before then.

Mr. TONKIN: Precisely. The honourable member has emphasised the point I have been trying to make—that there must be a redevelopment and reshaping of the city before we build the extensive roads such as are now foreshadowed. Buchanan says that each new motorway built to cope with existing traffic seems to call into existence new traffic sufficient to create a new congestion.

One of the main causes of the problem is to be found in what are known as the car commuters. According to Buchanan this is the heart of the urban traffic problem, and, to find some solution to this, we should endeavour to persuade—not to direct or coerce or force—the car owner to do his journey by bus or train rather than motorcar; and it is argued by the experts that it is possible to persuade a person to do that if the public transport is made attractive by being efficient, comfortable, frequent, and cheap.

How many members do as I frequently do; which is, park my car here and catch a bus into the city and back again, rather than drive into the city? I do not do that because I like to catch buses. I do it because I am relieved of the anxiety of having to find a parking place, which is extremely difficult at the period I am looking for one; and because I am relieved of the worry of having to take 35 minutes to do a job when the meter says I can park my car there for only 30 minutes.

I can get rid of all these anxieties by leaving my car and using public transport. I do not use public transport because it is free. It is not free. I pay the same as anybody else. There must be other members who do the same thing for the same reasons—which emphasises the point that if we make the public transport frequent enough, comfortable enough, and accessible enough, more people will use it. That, of itself, will make a vast contribution to the magnitude of this problem which is confronting every modern city. Mr. Buchanan goes on to say—

> The case for expanded public transport in cities is proved. Provide for the semi-commuter. Establish garages at suburban stations.

He suggests that it might pay to give free parking in those garages, if, as a result, we keep the traffic out of the city and therefore lessen the problem with which we are confronted. He goes on to say that the number of cars that can possibly be accommodated in any city is limited, even with a programme of extensive road building; so there has to be considerable limitation on the volume of motor traffic in the cities, and it is absolutely unavoidable.

To emphasise the point further, Mr. Buchanan says it just cannot be escaped. So we need not think that by providing expensive motorways in proximity to the city we are going to solve the problem of living with the motorcar in the city of Perth. Some other aspects of this problem need to be looked at and looked at now before we embark on this extensive road programme. Mr. Buchanan continues as follows:—

> The greater the demand for circulating space, the less the supply. Deliberate limitation in central districts must be looked to for part of the solution.
>
> It is essential the provision of parking should be calculated in relation to traffic capacity of the roads.

I ask you, Mr. Speaker: Did the Government give us any evidence that this aspect of the problem is being taken care of? Quoting further—

> Those who design and locate buildings should not take it for granted that the street system will be able to serve them.

We have these flats going up in proximity to the heart of the city, with their parking facilities underneath for additional cars. We are getting a congregation of people with more cars in the heart of the city, without having the slightest idea of how we are going to cope with them, to get them into and out of the city.

So one can see the wisdom of this suggestion, that—

> Those who design and locate buildings should not take it for granted that the street system will be able to serve them. The buildings which generate traffic should be integrated with the traffic arrangements in an overall concept of town planning by positive comprehensive redevelopment.

Mr. Buchanan goes on to say that first there should be a clear statement of national objectives; that regional planning cannot work in isolation. That is his first stage. In his second stage he says, "Delineate the local areas or urban regions"; and, in the third stage, "Get more detailed plans drawn up for redevelopment."

Mr. Buchanan then suggests that a number of regional development agencies are required, a body for which there is no precedent. He says—

> If cities are to be saved from strangulation, a new executive agency will have to be created.

All through this, emphasis is being placed upon the need for preliminary overall planning. Not that we should just push ahead with making roads and traffic interchanges, but that we should have an organisation adequately staffed and supplied with funds so that the officers would work in co-operation with one another. We should not have, as we have here, a lopsided situation, where we have the Main Roads Department with ample funds, and a town planning section which takes all its time to keep up with the requirements of local subdividers. With the best will in the world, it has neither the staff nor the resources to enable it to get down to the requisite study of the fundamental requirements of this problem.

My motion suggests that before we have gone too far and the step is irrevocable, we should call a halt and send our experts abroad to see what is going on. Let them go to the north of Ireland where a plan has recently been adopted, which is the result of very lengthy study in that country. It has been decided to limit the growth of Belfast and to provide for the growth of an entirely new city, in which the roads and schools will be so placed that it will not be necessary for a single child to cross the road in order to go to school.

When I read about this, I wrote to the Minister for Transport in the north of Ireland, told him that I was very interested in this proposal, and asked whether I could be supplied with some literature in connection with it. He most generously sent me the full report of the engineer who advised his Government on this matter, together with the statement that his Government had decided to adopt the plan *in toto*.

It makes exhilarating reading for one to contemplate the farsightedness of those responsible for embarking on what is indeed an expensive plan, but one which gives them some hope of being able successfully to solve this very great problem.

Mr. Buchanan has made these three important statements in his report—and I think the first one is self-evident—

> No easy solution—all remedies must be used.

The second conclusion reads—

> Each line of approach reacts immediately on the others, e.g., building of new roads intensifies the parking problem in the centre. It is imperative that they should not be applied haphazardly by different authorities reacting to different stimuli and following different timetables but in a carefully co-ordinated way after comprehensive analysis and study of the whole complex.

The third point was—

> Any such organised attempt to solve the problem will necessarily involve very large-scale re-development on a significantly different pattern. We shall need a different sort of city if we are to have any chance of living at peace with the motorcar.

Then the Buchanan report attempts to set out the type of city which we need to have. It states—

> To the highway engineer, buildings may simply be structures that line and sometimes obstruct his roads. They are the generators of traffic and the destination to which it is going.

American experience tends to contradict that the reflection of traffic congestion will itself set a limit to car ownership. The rising tide of cars will not put a stop to itself until it has almost put a stop to traffic.

So it would appear that there is a clear need for a detailed and comprehensive study such as has not already been given to the subject in this State. The Labor Party believes that the work which is at present in operation should be stopped, and we should send the Chief Traffic Engineer and the Town Planning Commissioner abroad, even if it takes 12 months. Let them go to America and Europe to observe for themselves the nature of the problems there, and how they have to be dealt with; because what needs to be remembered is that in America the people had these problems 25 years ahead of the people in Great Britain, and in Great Britain they have had them 25 years ahead of Western Australia. Therefore, we have the advantage of 50 years' experience if we will take the time to go and observe it and profit by the mistakes which have been made; and so shape our destiny accordingly.

We have competent engineers in Western Australia; but, with a few exceptions, they have spent most of their time in Western Australia. They have not, at first hand, come up against the problems with which they now have to deal; and there is no substitute for experience. One can read as much as one likes; one can study as much as one likes; one can listen to the experts as much as one likes; but there is no satisfactory substitute for personal experience. So we should send abroad the men who are in a position to profit by the experience. The Government did not hesitate to send to France to bring some people here to advise it in connection with tidal power; and there is no comparison between the importance of the two subjects.

Mr. Hawke: Or the urgency.

Mr. TONKIN: Or the urgency; and we would be foolish to disregard the opportunity to see what is happening elsewhere. It is not such a long time ago that the Narrows Bridge was built, and therefore we can remember the incident clearly. What did the Hawke Labor Government do before it attempted to build that bridge? Did it say, "Our engineers have built a number of bridges and therefore we know what is required to build the Narrows Bridge, and so we will proceed to call tenders and build it"? No. We sent an engineer from Western Australia to America and Europe to have a look at the bridges there and discuss with the engineers what ought to be done. We can see the result. There is no finer bridge in the world than the Narrows Bridge. We did not say, "Oh well, we know all about how to build a bridge. Therefore it would be stupid to send someone away to see how to build one."

We were not satisfied to embark on a project until we sent an engineer away to gain personal experience; and that is what should be done in regard to this proposal. The 12 months' delay which would be involved would make very little difference, but it might well save us millions of pounds in the long run and prevent us from being confronted with problems which could prove to be far more difficult of solution subsequently than if we tackled the position in the right way now.

Debate adjourned, on motion by Mr. Wild (Minister for Works).

APPOINTMENT OF A PARLIAMENTARY COMMISSIONER

Introduction of Legislation: Motion

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.30 p.m.]: I move—

> In the opinion of this House the need and desirability of appointing a Parliamentary Commissioner (Ombudsman) are abundantly clear and

the House requests the Government to introduce the necessary legislation forthwith to establish the office in Western Australia.

Last session I put forward, for the acceptance of the House, a proposal that an ombudsman or parliamentary commissioner should be appointed in this State. There were some speakers who favoured the idea but said, "Not yet." However, it was the result that counted; and the Government, using its numbers, defeated the proposal. I now hope that, in the 10 months or so which have elapsed, the Government has become more enlightened and will be prepared to support the proposal which previously it would not accept.

I do not propose to cover the ground I covered last session in introducing this matter. I think I can support my argument for the appointment of a parliamentary commissioner on this occasion by referring to the experience of the Ombudsman in New Zealand. If it can be shown —as I think it can—that that appointment has been fully justified, it would be difficult to argue successfully that we, in Western Australia, should not have the benefit of the same innovation.

I have here a book entitled, "Ombudsman" by Geoffrey Sawer. This book has been reviewed in papers in Australia; and, in particular, in the *Canberra Times*. Geoffrey Sawer is the Professor of Law at the Australian National University. Dealing with the Ombudsman in New Zealand, he had this to say—

> During his first year of office, Sir Guy Powles received about eight hundred complaints. He investigated about three hundred of these, the remainder being excluded from jurisdiction or declined on the discretionary grounds. He found that sixty-eight cases investigated deserved remedial action, about half of them were attended by the relevant department or organisation as soon as he suggested action, another quarter required stronger pressure, but were attended to in a reasonable time to his satisfaction, and another quarter were passed remedying as far as complainant was concerned but recommendations to ensure more satisfactory performance in the future were accepted. No request was refused and there was no occasion to report a specific case to Prime Minister or Parliament.

Let us pause a moment and reflect on the value of this office to the people of New Zealand. Sixty-eight cases deserved remedial action; and whilst one cannot be sure of this, it nevertheless seems a fair assumption to say that none of those cases would have been rectified if the Ombudsman, or somebody else with almost equal authority, had not intervened. So 68 people in New Zealand would have suffered in some way, without redress, if the Ombudsman had not been appoined in that country.

Mr. Hawke: And had already suffered.

Mr. TONKIN: Yes; that is right—had already suffered. Half of these 68 people were attended to without much trouble when the Ombudsman got on the job and pointed out to the department concerned why, in his opinion, the matter should be rectified; but a quarter of them required some pressure to be exercised. Apparently the officers concerned were reluctant to redress the grievances, and so the Ombudsman had to put pressure on them in order to achieve a satisfactory result which, he reports, he did achieve.

The unfortunate feature is that a quarter of the cases which deserved remedial action could not be remedied because the opportunity had passed. The lesson I learned from that is that as steps were taken to ensure that such cases did not happen again, although some people did not get any immediate advantage from the representations of the Ombudsman, at least by his attending to their cases it resulted in other people being protected against a repetition of that which they had suffered.

It is interesting to get an idea of the nature of some of these cases. Some of them are detailed in this book, "Ombudsman" and I propose to mention them to the House. Here is one quote—

> His staff in this period consisted of three investigating officers (one a lawyer) and a typist, and the annual cost was about £N.Z.9,000. He considers himself a little under-employed as yet, and thinks that with an appropriate expansion of the investigating staff he could attend to the complaints of a population of about 10 million. (The population of New Zealand is 2½ million). He sights every complaint himself and like his Scandinavian counterparts insists that personal attention of the Ombudsman at some stage of all complaints is essential to the success of the office, though the Ombudsman's personal work can be much reduced by effective investigators sufficiently few to work under his constant supervision. He has found that a great deal of his contact with departments and with complainants can be carried on by letter and by telephone; that relatively little travelling or inspection of the spot X is required, and that the essential thing is to be close to the main administrative headquarters of the government. The only additional power he thinks advisable is a power,

like that of the Danish Ombudsman; to direct legal action in appropriate cases.

I support that view. I feel that an ombudsman would be considerably strengthened in his approach to those whom he is trying to induce to redress a grievance if they knew that if they failed to co-operate he had the power to direct prosecution. I think some such power is most desirable.

I have not the precise information on this point, but I understand that at the last election in New Zealand both parties contained in their policy a provision that they would extend the power of the Ombudsman to enable him to direct legal action. Whether they have since taken any action along those lines I cannot say; but I understand that was the position with regard to their policy. It would appear to indicate that the people of New Zealand are in strong support of the continuation of this office.

In his first report Sir Guy mentioned 26 cases of which the following raised interesting issues:—

> An immigrant teacher had been brought on assisted passage from England under bond to remain in teaching for a period; before the period ran out, he claimed that he had been mislead as to his prospects and had been passed over for promotion because owing to religious objections he would not take part in school military cadet training. The ombudsman recommended that he be allowed to return to England without enforcement of the bond and this was done.

You will recall, Sir, that last session a number of members on this side, including myself, complained that some migrants were brought out from England under special promises, and that those promises were not properly kept, and so dissatisfaction arose. The Minister for Lands has this session said that there was no misunderstanding about this position; but *The West Australian*, which cannot be accused of being pro-Labor—to put it mildly—has twice said in its leading article that there have been misunderstandings, and has emphasised that steps should be taken to see that they do not occur again.

Had there been an ombudsman in Western Australia, some of those migrants who averred that promises had been made to them in England to induce them to come here and that those promises were not kept, would have had the opportunity of having their cases inquired into; and, if there were any substance in their complaints, there was every chance that those complaints would have been rectified. As it was, bringing their cases up in this House got them nowhere.

I would now like to proceed with these illustrations. I was not aware of this, but it is a strange thing that the very illustration I gave a moment ago is used here in this book of the professor. He goes on to say—

> (In Australia, grievances of immigrants, including refusal to admit persons as immigrants or as visitors or deportation without reasons given have frequently been advanced as occasions for an ombudsman.) The Commissioner for Taxes was owed a sum sufficient to found bankruptcy proceeding and the taxpayer was unable to pay the whole amount immediately, but was able to pay a large part of it; the ombudsman recommended that the bankrupty proceedings be withdrawn and time to pay the remainder given, and this was done. Anglo-Australian-New Zealand law has no effective general principle about the abuse of rights whether private or public. Action of this type could provide a substitute at least for the administrative field. The National Roads Board's engineers had put warning notices about a dangerous subsidence not yet repaired on a main road, but they were so placed as not to be visible to a motorist who emerged on to the main road from a small side road between the notices, so that he drove into the subsidence and the vehicle suffered minor damage. The Ombudsman recommended an *ex gratia* payment, which was made. The case trembled on the brink between 'misfeasance' on the part of the engineers, which would have justified legal action, and 'non-feasance' when action would not be available. This goes some distance towards the *Conseil d'Etat's* principle of requiring the government to behave better than strict legal rules might require.) Several cases concerned pension and superannuation questions, where relevant authorities had taken an over-strict view of conditions of entitlement and time limits for application, or where applicants had been misled by ambiguous official documents.

The New Zealand experiment is as yet too young for all the sorts of questions to be answered which Australians might like to raise. For example, it would be interesting to know whether there has been a falling-off in contact between electors and members of Parliament, whether the raising of individual grievances in Parliament has declined, and more broadly whether there is any feeling that responsible government has been undermined. No statistically significant changes have occurred in matters which can be counted and it is difficult to measure 'responsibility'. But the

Ombudsman does report that a number of his complainants have been referred to him by members of Parliament, which is some indication that they thought his approach to deparments might be more productive than their own. He has also received complaints from lawyers, suggesting that they did not scorn to by-pass the law. It may even be that the middle and lower ranks of the civil service, still professionally against him, will become reconciled, on the ground that he is creating work. At least one department has asked him for extra staff to deal exclusively with enquiries from the Ombudsman!

There is ample evidence that there is a growing demand in the various States in Australia for the appointment of ombudsmen in Australia. I have read in the newspapers where the matter is under consideration in Queensland, in New South Wales, in Victoria, and, I believe, in South Australia, where various bodies—sometimes it has been members of the Liberal Party, and at other times members of the Labor Party, and at others, members of no particular party—have been advocating that Australians should have the benefit of a parliamentary commissioner as the people have in the Scandanavian countries and, latterly, in New Zealand.

Very recently I read an article in an English newspaper which showed that Lord Shawcross came out very strongly in support of the appointment of an ombudsman in Great Britain. He said they could not afford to go without one, and that such an appointment would be heralded as one of the big advances in social legislation in that country. He further said it was his opinion that a majority of the legal profession would support such a move.

I feel that you, Mr. Acting Speaker (Mr. W. A. Manning), must have had a similar experience to that of a number of members of Parliament; that is, cases have been represented in which it was felt an injustice had been done, but it had not been possible to effect a remedy. I have been dealing with one such case in recent days, and the Minister for Police knows all about it. This is one in which I consider a great wrong has been done to one or another person; but it is extremely unlikely that any redress will be obtained, because the Minister has stated he proposes to do nothing. So there the matter would appear to rest.

We all must have had not one, but a of number cases, where an officer responsible to Parliament, and not to the Government, was in a far stronger position than a member of Parliament, especially a member of the Opposition. A member of the Government is in a much stronger position, because he can bring the case before the Minister at a party meeting and threaten to kick over the traces if something is not done; and that has been tried more than once with some satisfactory results.

Mr. Hawke: I believe a few traces were broken recently.

Mr. TONKIN: The same procedure is not available to members of the Opposition because the Government with its majority is able to adhere to the course it has decided to follow; and whether it is the right or wrong course matters little in some cases.

I am as sure as I stand here that one day an ombudsman will be appointed in Western Australia, and in all other States of Australia. It only becomes a question of when that appointment will be made. I would like to see Western Australia become the first State to create such an establishment, so that we can give to the people the benefits which obviously flow from it at a trifling cost to the State.

If the ombudsman in New Zealand costs a mere £9,000 a year—and he has said that he could handle a population of 10,000,000 people—then the cost involved in a similar appointment in Western Australia should not exceed £9,000 a year. Considering that we are giving the racing clubs nearly £500,000 a year, the expenditure of £9,000 should not be beyond the resources of a State like Western Australia.

Mr. Norton: The Administrator for the North-West gets nearly as much.

Mr. TONKIN: I hope that more consideration will be given to this proposal during this session than was given previously. I would remind those who agreed with the idea last year, but thought it was a bit early, that almost a year has gone by; so we must be a year nearer to when they thought the time would be ripe for such an appointment to be made.

There is not a great deal involved. The required legislation could be prepared within a few days, and no great difficulty would confront the Government in introducing it this session. So far as we are concerned, it will receive a speedy passage. By that means the State would benefit from the appointment of an ombudsman ahead of time.

If the Government does not see fit to make this appointment, so convinced are we on this side that it is a desirable step to take, that if there should be a change of Government at the next elections we will definitely pledge ourselves to ask Parliament to give us the authority to establish this office, because we sincerely believe that its benefit to the people has been thoroughly established and justified.

I have yet to see a valid argument against it; but like everything else, these changes take time to bring about. We always get the stick-in-the-mud who fears this or that will happen, and who conjures

up all sorts of images and dire consequences when we try to do something which has not been done here before—despite the fact that somebody elsewhere has done it satisfactorily! I am hoping that we have reached a more enlightened stage and are prepared now to consider the proposition on its merits. There is far more support for the idea everywhere than there is opposition.

When we get people such as the eminent jurist in Great Britain to whom I have referred—men who have a leading position at the Bar—coming forward and, without the slightest hesitation, recommending such an appointment, then it is time we took more notice of it than we have done hitherto.

I look forward with great interest and confidence to the next report of the New Zealand Ombudsman. What impressed me most of all was that when the establishment was introduced in New Zealand it was, for those people, an experiment. It must have proved itself to be completely justified; otherwise both of the parties seeking to obtain public support would not have advocated a continuance of the office, and a determination to improve the power of the Ombudsman. If it had failed; if it had been unsatisfactory; or if it had caused widespread umbrage, then one or other of the parties would have come out in opposition with a proposal to abolish this office. But that was not the case. The fact that they came out in support of a continuance of the office is good enough proof to me that the appointment was fully justified.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

NATIVES (CITIZENSHIP RIGHTS) ACT

Amendment of Regulation 3A: Motion

MR. BRADY (Swan) [9 p.m.]: I move—

> That Regulation 3A made under the Natives (Citizenship Rights) Act, 1944-1951, as published in the *Government Gazette* on the 13th November, 1959, and laid upon the Table of the House on the 24th November, 1959, be amended as follows: In paragraph (1) delete the words in line 2: "upon application" and insert in lieu the word "automatically."

So that members will know what is referred to in the proposal to amend this regulation, I will read the regulation as it was amended and published in the *Government Gazette* on the 13th November, 1959. It reads as follows:—

> 3. The principal regulations are amended by adding after regulation 3 a regulation as follows:—
>
> 3A. (1) A person whose name has been included in a certificate of citizenship as a child not of full age shall, upon application, be granted a certificate of citizenship by a Board on reaching the age of twentyone years.

In that regulation it says that if the child applies, he shall be given the right to be granted citizenship; but we say the child should be automatically considered a citizen without having to apply, once he has had his name put on the certificate of his parent who has become a citizen; and so should a child born subsequent to his parent becoming a citizen.

This regulation is causing a great deal of heartburning amongst natives whose names have been on their parents' certificates as far back as 1944; and who, when they attain the age of 21 years, are switched from citizens to natives. We can easily understand the feelings of a native who, from childhood to the age of 21 years, has been a citizen, and then is told he has to apply for citizenship so that he will not become a native.

Because of the many difficulties that have been caused, it is the desire of the Opposition that the Minister and the Government either remove this regulation or amend it in the form we have set out, so that if the name of a child is on his parent's certificate when the parent is given citizenship rights, that child will automatically continue to be a citizen without having to make application.

I recollect hearing of a young native coming from the country approximately five years ago to take up an apprenticeship in the metropolitan area. That young lad successfully went through his apprenticeship. He worked day and night, as occasion warranted, with white tradesmen and white apprentices, and had all the citizenship rights that the average Australian citizen had. He completed his apprenticeship and became a tradesman. Recently he went back to the country; and when he turned 21 he had to apply in order to become a citizen, which his father had been for many years.

One can see there are difficulties such as that; and one could go on enumerating them one after the other. Just visualise the ironical position of a young couple, both under 21 and both citizens by virtue of the fact that their names are on their parents' certificates. They get married and they are citizens; but as soon as they turn 21 years they are natives. In the meantime they may have had a number of children. What are those children? citizens or natives? The problem becomes a mess; and I feel that the Minister and the Government, once they appreciate the problem, will see their way clear to accepting the amendment.

Therefore I am not going to speak at length except to quote the original Act of 1944, which appears in volume 6 of the

Reprinted Acts. This, I think, will make clear what is intended. Section 6 says this—

> 6. Notwithstanding the provisions of the Native Administration Act, 1905-1947, or any other Act the holder of a Certificate of Citizenship and any child whose name is under the last preceding section, included in a Certificate of Citizenship shall have all the rights, privileges and immunities and shall be subject to the duties and liabilities of a natural born or naturalised subject of His Majesty.
>
> Nothing herein contained shall deprive the holder of the right to property or benefit accrued prior to the granting of the application, or of any property which would accrue to or devolve on him if a Certificate of Citizenship had not been granted.
>
> Provided that a certificate of citizenship insofar as it concerns children shall be deemed to include those persons only so long as they are under the age of twenty-one years.

That proviso may be the difficulty. Some person with a legal flair or frame of mind has probably said that proviso means the natives are citizens until they are 21 and from then on they must again apply. I do not think Parliament intended that should be. I do not think even the Government intends that should be; but somehow or other a regulation was tabled in this House in November, 1959, which said, in effect, that the children shall apply to be granted a certificate of citizenship when they reach the age of 21 years.

Therefore I feel that the Minister, having had his attention drawn to the difficulties, will have a look at the matter again; and I am hoping, if he takes the adjournment of the debate, he will come back and say, "There is no objection to the regulation being amended as proposed."

My attention was drawn earlier this evening by the member for Gascoyne to a case that was brought to his notice some years ago in Carnarvon, where a young man was served with liquor in a hotel. He had been going to this hotel in the past to buy non-alcoholic drinks; but on this particular day he had a drink with an alcoholic content, and the licensee was prosecuted. On that particular day the native turned 21, and it was argued that he was a native and should not have been supplied with liquor. The case went to court and the magistrate absolved the licensee or the barman from any penalty; but the native was fined.

I am only mentioning that case which the member for Gascoyne raised in this House to show the anomalies that are created when parents have citizenship rights given to them by a board because they have justified themselves as citizens and have complied with the Natives (Citizenship Rights) Act; but their children, on turning the age of 21, are considered to be natives and are obliged to make application so that they may become citizens once again.

It could become embarrassing to the nth degree, and I feel that the sooner we remove this anomaly the better. The Minister and the Government have demonstrated during the last 12 months that they have had a change of heart in regard to the welfare of natives. They have considerably changed their earlier outlook in regard to this legislation.

I will not continue at any great length. I hope the amendment will be carried. I could go on, as I said before, to quote a number of cases in which this particular regulation has caused embarrassment. I think probably there has been a misunderstanding about the original intention in 1944 and in regard to the subsequent amendments made in 1951 and 1958.

Once the departmental officers and the Minister have had a look at the position and realise what a grave injustice is being done not to one or two, but to hundreds of teenage natives when they become 21, the Minister, I am sure, will be anxious to accept the amendment which the Opposition has seen fit to move through me.

Debate adjourned, on motion by Mr. Lewis (Minister for Native Welfare).

SUPREME COURT ACT AMENDMENT BILL

Second Reading

MR. EVANS (Kalgoorlie) [9.14 p.m.]: I move—

> That the Bill be now read a second time.

This Bill, to use the expression of a well-known ex-member of this House (Mr. Emil Nulsen), is a very little Bill in size, and I can assure the House that it is also small, in my opinion, in extent. It seeks to amend section 118 of the Supreme Court Act by adding a proviso to that section which deals with the execution of judgment in the Supreme Court.

Members will know there are several methods of executing a judgment of the Supreme Court. One of these concerns the issue of the writ of *fi fa* or *fieri facias*. The section reads—

> Under a writ of *fieri facias* or other like process of execution, the sheriff or other officer having the execution of the writ, may seize and sell all the real, chattel real, and personal estate and property in Western Australia and its dependencies of the defendant or other person ordered or directed to pay the money, or such part of such estate and property as may prove sufficient to realise a sum sufficient to satisfy the judgment or order under

which the writ of *fieri facias* was issued, and the costs, fees, and expenses of seizure and sale.

The proviso which I seek to have added reads—

Provided that the following goods shall be protected from seizure—

Wearing apparel of such defendant or other person to the value of fifty pounds and of his wife to the value of fifty pounds and of his family to the value of twenty-five pounds for each member thereof dependent on him; furniture and effects (including beds and bedding) used for domestic purposes to a value not exceeding in the aggregate two hundred and fifty pounds; implements of trade to the value of fifty pounds; family photographs and portraits.

This is not a novel or revolutionary principle I am seeking to introduce into the Act. It is already contained in the Local Courts Act, and was originally inserted in Western Australian legislation in the 27th year of the reign of Queen Victoria in a debts ordinance.

The provision in the Local Courts Act is contained in section 126 which reads—

A bailiff, under a warrant of execution by which he is directed to levy a sum of money, may seize and take, and cause to be sold any goods which the person named in the warrant is or may be possessed of or entitled to, or which he has power to assign or dispose of.

Provided that the following goods shall be protected from seizure:—

Wearing apparel of such person to the value of fifty pounds and of his wife to the value of fifty pounds and of his family to the value of twenty-five pounds for each member thereof dependent on him; household furniture and effects to a value not exceeding in the aggregate one hundred and fifty pounds;

Members will note that I have included in my amendment not £150, but £250. To continue—

implements of trade to the value of fifty pounds; all beds and bedding; family photographs and portraits.

I might mention that I have differed in the wording of the provision concerning bed and bedding. Members might agree that "bed and bedding" contained in the Local Courts Act provision could be held to extend, for example, to beds and bedding and furniture held in the premises of a furniture manufacturer, and I do not think that was the intention. I can assure members that it is not my intention that that should apply under the Supreme Court Act should my Bill be passed. That is the reason for the inclusion in my Bill of the words, "used for domestic purposes". It is hoped that those words would preclude an interpretation such as I have just mentioned.

I feel that in attempting to make the maximum £250 for furniture, beds, and bedding—being £100 more than is provided under the Local Courts Act—I am not being too revolutionary. The section in the Local Courts Act was last amended, and a sum of £150 introduced, in 1958. We are now approaching the end of 1964, and money values have changed even in that short time.

In my opinion, the extra £100 is not unjustified. As a matter of fact, I am not being too generous or too humane in asking this Assembly to agree to this provision being incorporated in the Supreme Court Act. There has never been such a provision, although, as I mentioned, the principle was accepted under the Local Courts Act when the Act was introduced in 1904; and it appeared in early English legislation before that time, and in a debt ordinance passed in Western Australia in 1863.

The principle has never been incorporated in the Supreme Court Act, and I am asking members to support the introduction on this occasion. The average member of the community has, I am sure, furniture and effects far beyond the value of £250. Indeed, I would say that it would be a very impoverished member of the community who would not have household furniture and effects beyond that value. I commend the Bill to the House and submit it for the wise discretion and adjudication of members.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

MR. GRAHAM (Balcatta) [9.23 p.m.]: I move—

That the Bill be now read a second time.

In 1961 I thought that I had introduced a fair and reasonably complete Bill which should have been acceptable to both Houses of Parliament. Unfortunately, the Bill was somewhat mutilated in another place, as a consequence of which it has been necessary for me, in 1962, 1963, and now in 1964, to submit amendments in the hope that by a slow and gradual process it will be possible to make the legislation a more practicable proposition than was the case when it was first passed by Parliament.

This Bill embodies only two amendments. The first is a correction in the term that was used. The term was, "Master Painters' Association of Australia." It is proposed to alter that to read, "Council of the Master Painters' Decorators' and Signwriters' Associations of Australia." In point of fact, there is no Federal body as such. Each of the State associations meets from time to time and the representatives form the council of the associations of Australia. Naturally enough, the bodies which are affiliated —if that be the right term—have respect for the overall numbers, and honour them.

The purpose of mentioning this body is that if a person is recognised by the Federal body, then that can be regarded as sufficient qualification entitling that person to be registered in Western Australia as a painter; or, to put it a little more briefly, if there is a master painter in South Australia and he is acceptable to the association in that State, through the Federal body, then he is accepted by the Painters' Registration Board in Western Australia as being a person of standing and qualification and is entitled to be registered.

The second amendment pertains to the personnel of the board itself. At present the board comprises the chairman, who is the person occupying the position of chairman of the Builders' Registration Board. He has with him two fellow board members, one of whom is a representative of the Master Painters' Association; and the other, a representative of the paint manufacturers.

Members will no doubt recall that when the composition of the board was debated on other occassions, I pointed out that in every case where there is a registration board, those persons who are the subject of the registration comprise the majority. But in this case, for some inexplicable reason, the representatives of the painters are in a minority. We have noticed that within the last few days the Government has introduced a Bill for the registration of chiropractors, in connection with which there is to be a board of five. In conformity with what applies in all other cases, four of the five members of the board shall be chiropractors; in other words, an overwhelming majority.

I repeat that there is nothing new or novel about that. It is accepted practice. Having regard for the opposition of the Government, as expressed by the Minister for Works, I have not gone to the extent that I feel I would be justified in going by proposing in the Bill that the board shall comprise five persons; namely, the independent chairman; the paint manufacturers' representative, who will remain; and three representatives of the painters themselves. I feel that I would be justified in doing that; and I would welcome recognition on the part of the Minister that that should be so. I would most enthusiastically accept an amendment to my Bill in order to bring that about.

However, as I have said, having regard for the Minister's previously expressed attitude, and desiring to make some progress, all that I am doing is seeking to increase the representatives of the painters from one to two; which means, of course, there will then be a board of four persons.

It is generally desired to have a board of uneven number; but I do not know that there is necessarily any particular merit in that, because one member could be absent from a meeting and the board would still be properly constituted. But if the Minister feels he would like to adopt the practice which obtains with all other boards, of having an uneven number and giving adequate representation to those seeking to be registered, he can move accordingly, as I stated before, with my approbation.

Perhaps once again I should outline the personnel of some of the other boards. With the Architects Board, which comprises nine members, six are appointed by the architects themselves; as regards the legal practitioners their board is composed wholly of legal men; the Pharmacy and Poisons Council, which is the chemists' council, has seven members and every one of them is elected by the pharmaceutical chemists; the Chiropodists Board is comprised of five members and three chiropodists are nominated by the Chiropodists Association; with the Dentists Board, which has seven members, the majority—four—are elected by the dentists themselves; with the Licensed Surveyors Board four out of six—and with that board there is an even number—are surveyors; the Medical Board has six medical practitioner members out of seven; the Nurses' Registration Board five representatives out of nine. and the Optometrists Board six out of seven. So I could go on and deal with all the registration boards that are in existence under legislation in Western Australia.

I feel an unanswerable case can be made out for the Painters' Registration Board to comprise five persons, three of them to be painters' representatives; but I am hastening slowly and building the numbers up to two only on this occasion. I appeal to the Minister to have regard for what I have said and to discuss this matter with his advisers. What was experimental legislation has now been in existence in Western Australia for a couple of years, and it has proved worth while and workable. Therefore I ask the Minister to give serious consideration to introducing into the composition of this board the principle which prevails in the case of all other boards.

Debate adjourned, on motion by Mr. Wild (Minister for Labour).

House adjourned at 9.34 p.m.